Northwest Territories Legislative Assembly
Special Committee on Constitutional Development

MINUTES OF THE
Second Western Arctic Constitutional Conference

September 14 - 16, 1982
Yellowknife, N.W.T.

100-07415/

SECOND WESTERN ARCTIC CONSTITUTIONAL CONFERENCE

YELLOWKNIFE

SEPTEMBER 14-16, 1982

Day One.....Page 1-99

Day Two.....Page 100-208

Day Three.....Page 209-281

LEGISLATIVE ASSEMBLY - CONSTITUTIONAL CONFERENCE SEPT.14, 1982

MR. SIBBESTON: Ladies and gentlemen as chairman of the Legislative Assembly's Special Committee on Constitutional Development I would like to welcome all of you to this second conference slated for today and the next few days. I just have a few opening remarks and then we will throw the floor open to the meeting. Since the last conference in January, all of the delegates I am sure have had an opportunity to think about constitutional matters here in the north. In many respects many of those people living in the north could not help but be drawn at one point or another into discussion and thinking about constitutional matters here in the north. There has been of course the plebicite in April, there has also since the last conference been a constitutional alliance formed. The Legislative Assembly certainly spent some time discussing constitutional matters. From news reports, many communities, especially the larger ones, have been busy consulting with their constituents and have formulated certain views about the present government and the Denendeh proposal. Despite what position or positions you may come to this conference with, on behalf of your electorate or on behalf of your association, if you are members, the important thing I think is that we are here with open minds as northerners beginning to think seriously about a future constitution for the north. I would just like to say that I think progress is made when people get together and talk and discuss things with one another. I think the worst scenario is one which existed in the late 70's when there simply was not meetings amongst people here in the north. There was a lot of ill feelings, mistrust so I think in many ways we have advanced beyond that and I think things like the Constitutional Conference have done a great deal to get a basic understanding where there is an opportunity let's say to understand

one another in the North here. You will recall that at the last conference the end result was a motion, that is, to set up a working committee to do the following, and I will just read from the resolution that was passed and it says "be it resolved that a committee be struck. This committee will be made up of representatives of the groups from Territorial and community governments and the major native organizations. Its mandate will be to coordinate and develop a process to guarantee public involvement, committee consultation and to provide information." This committee too was supposed to have reported back no later than May 30th to a conference; as things happen we are only now having the conference but I can tell you that the Constitional working group did meet on April 28 and 29 and did have a very good meeting here in Yellowknife and the general outcome of that working group meeting was that they agreed there should be another conference and also that there should be information put out to the public about Constitutional matters here in the North, so as a result of that, this summer there was this nice glossy pamphlet put out showing us differences and similarities between this present government and the proposed Denendeh government. And the working group also decided in preparation for the next conference that there actually should be a more detailed paper on Constitutional matters, so our committee here has worked and has come up with this green working paper which discusses and deals with many of the issues that we thought might be dealt with here at this conference. I can tell you that it was a sincere attempt to walk down the middle of the road as it were on these issues, not supporting or not outrightly throwing out some of the ideas. It is a serious attempt to provide facts and information and at the same time recognize that there is a Canadian Constitution in effect now which we, as Northerners have to

eventually contend with. What are the limits of discussions about Constitution in the North? So I welcome you again and ask that you consider the draft agenda which we propose and I just want to say that the draft agenda is simply that, it is put out by the committee for your consideration and we are completely open to changes. We are suggesting in the draft agenda that the first day, today, be spent giving delegates a chance to make opening statements and some discussion, and tomorrow suggesting that we break up into three smaller working groups and then having reports from that and discussions, and the final day further discussion and closing statements, but, if delegates are opposed to the idea of working groups then we can continue meeting in this fashion. Before we get into the discussion about the agenda, whether we ammend it or adopt it, I would ask that we go around the table introducing ourselves and stating our names and who we represent. I would like to suggest we start on the left with Margarite.

MS. ROBINSON: Margarite Robinson, Fort Smith council.

MR. SNOWSHOE: Charlie Snowshoe, Settlement of Fort McPherson.

MR. WATSYK: Orest Watsyk, village of Fort Simpson.

MS. SORENSEN: Lynda Sorensen, MLA for Yellowknife South.

MR. BONNETROUGE: Jochem Bonnetrouge, settlement council, band council, Fort Providence.

MR. CAMPBELL: Gordon Campbell, town of Inuvik.

MR. STEVENSON: Bob Stevenson, The Metis Association of the N.W.T.

MR. GOOSE: Bill Goose, from Holman Island, Vice

President for COPE.

MR. GREEN: Peter Green, COPE President.

MR. SAYINE: Robert Sayine, MLA Great Slave East.

MR. BRADEN: George Braden, MLA Yellowknife north.

MR. FRASER: Pete Fraser, MLA MacKenzie/Great Bear.

MR. MacQUARRIE: Bob MacQuarrie, MLA Yellowknife Centre and member of the special committee on constitutional development.

MR. STEWART: Don Stewart, MLA Hay River.

MR. McCALLUM: Arnold McCallum, MLA Slave River.

MR. ERASMUS: Georges Erasmus, Dene Nation.

MR. BALLANTYNE: Michael Ballantyne, City of Yellowknife.

MR. McBRYAN: Red McBryan, Hay River.

MR. ROMEIKE: Otto Romeike, Mayor of Pine Point.

MR. LAMB: Fred Lamb, Northwest Territories Public Service Association.

MR. REID: Christopher Reid, Northwest Territories Teacher's Association.

MR. TUTCHO: Dolphus Tutcho, Fort Franklin.

MR. INUKTALIK: Donald Inuktalik, Holman Settlement.

MR. SIBBESTON: Thank you. I can tell you a number of these communities on the arctic coast have indicated interest in coming to this conference and they are representatives from Cambridge Bay, Coppermine and I note that they are not here but maybe they are in town and will be joining us later. There is Joe Ohokannoak, Chairman of the Settlement council of Cambridge Bay and there is Fred Taptuna, who is the Mayor of the Hamlet of Coppermine. I can tell you too that we have sent invitations to Federal officials, we have sent invitations to Mr. Munro and Jack Austin and also members of parliament and we have had one

response from Mr. Austin and he states "thank you for your invitation to attend the 2nd Western Arctic Constitutional Conference. Recent events in Ottawa and a cabinet meeting Sept. 16 make it impossible for me to attend. I have asked for a full report and will review your proceedings with interest. Best wishes for a successful conference." Jack Austin. I must say that we have not heard from Mr. Munro though it is general information that he is coming North this weekend and I have not heard from the member of Parliament, but I do know he is up in the Fort Simpson area doing constituency work, so I would like to draw your attention to the draft agenda and consider it and see if you are content with it or whether anybody has any objections or perhaps it could be adopted.

MR. SIBBESTON: Mr. Green.

MR. GREEN: On the agenda we have the second item that is for the next day, that is Wednesday, conference to break into three Workshops. What is the workshop about? What is it going to deal with? Why a workshop?

MR. SIBBESTON: The idea of a workshop is one that emanated from our committee thinking that all of the delegates could be broken up into three groups and have a good mixture of the various representatives in each group. I have asked our secretary, Mr. Hamilton, to work out such a list of three groups, and he has done that and it is actually with the idea of perhaps having more discussion, more inter-change than is permitted or allowed in a place or large meeting such as this. Basically we thought it would be a good opportunity for people to have more discussion than would be normally provided in a place like this, more interaction. And it is with the idea of dealing with any subject that the delegates wanted and we thought too that we could make resource people available. There is constitutional lawyers from the Territorial government

and I believe the Dene nation have resource people who they could make available, so it was just thought that it would be of interest or of benefit to people here to get more from this conference than sitting here and having formal exchanges.

MR. GREEN: Mr. Chairman, workshops are fine but are there aims and objectives in what these workshops want to accomplish? I support the efforts of this conference, but, if we are going to break into working groups Mr. Chairman, I would suggest that there be specific topics discussed at the conference first; then break into working groups and try to work out the issues. I would like something more specific than just saying to the delegates here, "well it is up to you, you know, " you break it into groups and try to work out whatever, there is a need to break into these groups to work out things. I would like something more specific than just suggesting to the delegates here that we should all break and do something.

MR. SIBBESTON: Does anybody else have any comments on the subject.

MR. BALLANTYNE: Mr. Chairman, I just have one comment just to put the finishing touches on our petition. Some time during the conference I would like the opportunity with the whole group to go through our proposal. I would rather do that with the whole group than break into workshops because it is difficult to divide myself into three.

MR. SIBBESTON: Perhaps Mr. Ballantyne there are people that think similarly to you so can I take it then that there is general agreement on the agenda that there be workshops but with the suggestion that maybe we in the next few hours come up with specific points for discussions. We had thought that one of the members of the

committee, there is a number of us, Mr. MacQuarrie, Mr. Fraser and Mr. Wah Shee could actually chair one of the workshops and with the idea too of the group appointing a recorder to more or less report eventually what has occurred in each of the workshops.

MR. STEWART: Thank you Mr. Chairman. I wonder if we could not leave this until tomorrow and find out indeed whether we will have time to break into workshops and at that time discuss what the workshops will be made of rather than trying to conclude that now. It may be that we do not have enough time to deal with the paper from Yellowknife and maybe other papers that may be introduced, so we may not want workshops at all, but on the other hand we may so why do we not wait and make that decision tomorrow.

MR. SIBBESTON: We can then maybe just deal with the agenda in respect with the first day which simply has opening statements. Mrs. Sorensen, Mr. McBryan.

MR. McBRYAN: Yes Mr. Chairman, I would like to concur with Don Stewart's comments on the workshop. I would like to have a look at more information on it before we enter into workshops.

MR. SIBBESTON: Is there, then general agreement that we enter into the, and simply proceed with, opening statements and deal tomorrow's events until later? Then I throw the floor open for members and delegates wanting to make opening statements. Mr. McBryan.

MR. McBRYAN: Mr. Chairman, if I may have the floor for a moment. As representative of the town of Hay River I would like to put out my position paper. Ladies and gentlemen, on behalf of the town of Hay River I appreciate the opportunity to be here and speak for my community. Before this conference and any future similar ones can be

productive, our delegation feels a number of points must be clarified, for example; what are we preparing a constitution for? A provincial type of government or an improved Territorial government? What happens to the work accomplished by the group, what is the status of, and what are the powers of this constitutional conference? How are decisions to be reached? Is concensus necessary, and although we are all Northerners we are also citizens of Canada of Canada and as such are subject to the provisions to the new Canadian constitution and the Charter of Rights and Freedoms. Remembering this, we must strive to find what type of government will be acceptable to all as well as legal under our new constitution. We respect the native wishes to continue their culture and tradition, and we will be supportive of this stand if it is approached in a reasonable manner. Also we are aware that we want to protect Northern communities from boom situations; thus we would support a new town ordinance such as exists in Alberta to protect small communities and places of rapidly of rapidly expanding population. Only if we are all prepared to make concessions and come to mutual agreement can we hope to preserve and protect the north and its citizens. We have circulated a questionaire in our community to encourage examination of its issues and to stimulate discussion. The citizens of Hay River who responded to this survey find some ideas of the Denendeh proposal unacceptable and some ideas which we could agree upon if they were slightly modified. We hope this effort will be a useful exercise and we will promote the meaningful discussion of constitutional development issues. The delegation from Hay River is optimistic that these deliberations will be productive. Thank you Mr. Chairman. In conclusion I would like to state that we have also taken the brochure as you outlined a moment ago and mailed it to

our residents with the questionaire on the ten items in the brochure. It was returned to us in the sum total of approximately 75-100 with the answers identified in it and we will be making it available to the delegates here at another time.

MR. SIBBESTON: Thank you Mr. McBryan. Anybody else want to speak. Mr. Bonnetrouge of Fort Providence.

MR. BONNETROUGE: Mr. Chairman I would like to say to the delegates we are glad to be here to be a part of this pretty important work that is in front of all the people of the north. I think in some of my public statements in the past I have suggested that, in accordance with one principle that has been forwarded by the Denendeh proposal, the principle of devolution, the principle of de-centralizing the government of the north is possible, the basic belief, the basic wants of all the native people, more so the native people because governments throughout history, throughout European history, throughout British parliamentary system has always been based on a representative government and through my experience in the European system of education I have learned that representative government does not always work, mainly because of what I see as the present Territorial government being a representative government. You elect persons every four years and he is in no way legal, morally or otherwise obligated to report to you during the four years and that is precisely why the Dene people and the communities are demanding that we try to work out something that is a little bit better than representative government, the way that it is presently being practised by Territorial council and the Territorial

Government. I wanted to speak to the principle of devolution in the sense that decisions, especially the major decisions that face all Northerners be made with as full participation of all the peoples as possible. I know it is quite easy to, and the notion of some delegates from non-Dene communities might be to argue against consensus government because it is too unwieldy or too costly, but the point is I think we have got to make an attempt to work on a basic principle that whatever decisions, and I think that is probably one of the issues in front of us. Which kind of decisions should be subject to consensus and when we talk about decisions we are talking about pipelines, major projects such as the Beaufort Sea, the Arctic Polar Gas pipelines and things of that magnitude, something big and some of these things would affect every person in the north and I think in situations like that when you have to make a decision of big projects like that, every citizen in the north should have a say and that is my opening statement and I think probably one of the items if we go into a workshop is do we pursue, I think we should pursue with open minds the whole idea of trying to arrive at a constitution trying to arrive or work towards a government for the north that would involve the people as much as possible. Thank you very much.

MR. SIBBESTON: I would like to just note that Mr. Jim Antoine, the Chief of Fort Simpson has joined the delegation here. Now is there any other person wanting to speak at this time. Mr. Watsyk, Mayor of Fort Simpson.

MR. WATSYK: I would just like to react to Mr. Bonnetrouge's statement and the idea of reporting by members, maybe that is why we do have elections every four years and there is no legal

demand you know what I am stating is that the elected members should communicate but I suppose we have to wait four years and then we will find out. Maybe someone else can promise the people that they will report every year or whatever. The more interesting one was the consensus government and involvement by the people. One large project that is under way by the Territorial council now is the education ordinance changes and we in Simpson did have a meeting last spring and at that time the major observation in our community was, well the school board boundaries that were being proposed included the Dogrib communities together with the Simpson area. It is interesting that simultaneously they were looking at it and they were saying the same thing only in other words, they were saying "well do we have to be in with this other native language group" and we were saying, "well gee if we are going to develop the Slavey language we have enough problems there that the boundaries should be according to linguistic lines in the Simpson, so on". The changes in the education field are possibly going to have a more profound and more immediate impact than anything else. How is that going to be, sort of, resolved because there are major changes coming that is going to council and yet the problem that Mr. Bonnetrouge mentioned is a problem that we have in our area, how do the people get to know of what is going on, what is being proposed, and how can we influence it. From the meeting we had this one serious item of the boundaries brought up, another one that we are discussing is, well, is it going to cost so much money to get these changes into place. Having had some experience in the educational field some-

times I feel that we could maybe get this school board idea into place without a major additional cost, that maybe the funding is there as a matter of re-organization and making a start, because some feel it is going to be too expensive and we will not be able to do it; and to put it off is something that we cannot even consider. I think we do need action, but as Mr. Bonnetrouge pointed out, the people need to be involved, and in a democracy to get people voluntarily involved is not the easiest task. Thank you.

MR. SIBBESTON: The floor is open. Mr. Romeike, Pine Point.

MR. ROMEIKE: Mr. Chairman, thank you for being allowed to say a few words. In my opinion I think we are going at it the wrong way. I feel that the native claims, land claims, should have been settled at the first, and the boundaries should have been established after that, the Northwest Territories ordinance should be amended. . The Federal election act should be amended, the municipal ordinance should be revised so it fits in for the benefit of all the people of the north. Now the council of Pine Point feels that any new governmental structure must include legislation which a) guarantees protection for the cultural, religious and language rights of all groups within the Northwest Territories b) guarantees protection for a fragile Northwest Territories environment c) guarantees resource development in the Northwest Territories with due regard for the benefits for all Northwest Territories residents d) guarantees equality amongst all northerners e) guarantees proper revenue sharing from all non renewable resources development. Two, the council feels that the time framework to achieve responsible government for the Northwest Territories

can be developed. The council believes that such a framework can be finalized between our Legislative Assembly and the Federal Government. The council offers support for the steps towards constitutional development as outlined in the documents: (a) "Position of the Legislative Assembly on Constitutional Development in the Northwest Territories" (March 28, 1979) (b) "Administrative Action in relation to Constitutional Development in the Northwest Territories" (July 12, 1979). The council recognizes that various regional, cultural and social attitudes do exist within the Northwest Territories, however, the council firmly believes that all northerners have common goals for the constitutional development of the Northwest Territories. The council will totally support any steps which will lead to a unified stand for constitutional development. The council will support discussions which will lead to a more responsible government for the Northwest Territories. The council feels most strongly that the Government of the Northwest Territories has many areas in which its control is severely limited. Control of resource development, in particular, is one in which changes must occur. This practice cannot be allowed to perpetuate itself. The Federal Government must take steps to transfer control over many items to the Northwest Territories Assembly. Let the North guide its own future.

MR. SIBBESTON: Mr. Bonnetrouge.

MR. BONNETROUGE: Mr. Chairman, I am not debating. I guess I lost myself in my opening statement, I forgot to make a conclusion. If you will allow me. I was talking about devolution of government and having a more responsible government for the north in the future, and thinking in that line my conclusion was that in order that the

communities and the people of the North take their destinies in their own hands I am suggesting that wherever there are two or three governing bodies in a community my suggestion is that in line with decentralizing of government these local governments begin to negotiate with themselves. An example might be where there is a settlement or a hamlet council or a town council and there is a band council that the suggestion is that these various bodies within a particular community begin to frame their own local government and that is my conclusion to my opening statement.

MR SIBBESTON: Since nobody is jumping up anxiously to speak why do we not have a coffee break for ten minutes.

-- COFFEE BREAK

MR. SIBBESTON: Ladies and gentlemen I would like to bring the conference back to order. The floor is open for any delegates to make opening statements. If nobody says anything the chairman will have to say something. Mr. Lamb.

MR. LAMB: Mr. Chairman, fellow delegates, I am very happy to be here today representing the Northwest Territories Public Service Association. I think you probably all know the N.W.T. Public Service Association is the largest union in the Northwest Territories. We represent a cross section of all cultural groups right across the Territories from East to West. The Association recognizes that aboriginal peoples have special concerns. The Association also recognizes the first citizen status of these peoples and agrees that this status entitles them to some special rights. Mr. Chairman, delegates, the Association also represents members of a large segment of the population, the non natives that are concerned and in some cases

even frightened by some terms in the Denendeh proposal specifically and certainly not limited to would be the ten year residency, the senate of chiefs and the veto powers envisioned there. There is a definite concern for women's rights under this proposal, the right to belong to unions of a personal choice. The association is as well concerned that the workers right to a safe and healthy work place might be endangered if not fully protected under the proposal. These concerns have to be addressed. It is all well and good to proceed on a pre-determined plan towards self determination but if that plan involves leaving a large segment of the population disenchanted, it only has the effect of building in problems that will not go away. Any fledgling state has problems. The one envisioned in the western arctic will be no different. To willingly ignore what has the potential of being the seeds of destruction in that state does not seem like a reasonable course of action. These concerns cannot be put aside, they should be addressed and dealt with. The previous speaker said that he urged all delegates to seriously consider what we are doing with an open mind. I may not have it exactly but he certainly used the term to have an open mind and I would urge that as well. Another speaker asked the question, what type of government, Territorial or Provincial, are we heading for? Whatever form of government that is going to be we should be striving for a harmonious birth. We do not need to leave the seeds of disenchantment, the seeds of separatist movement in the founding of the new state whatever it will be. The legitimate concerns of a large percentage of the population cannot be ignored. It should be addressed and should be dealt with in a reasonable manner. If compromise is what is required to come out with a form of government that is acceptable to all

and will work and form the basis for a harmonious new type of state in the Western Arctic then that is what we should be working for. We should be considering all peoples' requirements, all cultures' requirements and not stepping on them. Thank you.

MR. SIBBESTON: Mr. Watsyk.

MR. WATSYK: The village had met last Thursday in Fort Simpson, the village council. We did sort of jot down some items very briefly. First of all in the past we had been interested in having the land claims settled first, in my own mind they still are unclear as to the relationship of this effort with land claims and maybe Mr. Erasmus can shed some light on that. Are these two activities related, are they by accident happening at the same time or are they entirely unrelated. So after land claims are settled we felt okay we are one man one vote. Because the land claims settlement will deal with the government and establish that one special relationship. On residency we felt that one year to vote. On the various institutions to follow up with the institutions as they exist in Southern Canada make some improvements and get them into place here. On the veto power we ask the question, should it be by a democratically elected body such as the senate is as is being suggested instead of being appointed have it elected, a democratically elected body. On the other hand is this veto power necessary. If any citizen sees something going on that is not in the national interest should that person have the power now to take action through the courts and have the whole issue debated, discussed and if found to be wanting then corrections are put into place. Those were the points that we had discussed, we did not have the benefit of this green booklet at the time of our meeting. Those were the items

that we had identified at the time. I find that some of these things are mentioned by other delegates. The basic question about the relationship of this activity with land claims, would Mr. Erasmus be able to shed some light.

MR. SIBBESTON: Mr. Erasmus.

MR. ERASMUS: To deal with constitutional change and we are hoping that what we are doing here is part of that process. Now we would like the process to be separate and as concurrent as possible. One form is going to have direct influence on the other. Obviously what is agreed at the table with the Federal government, to decide the rights of the descendants of the Dene, depend, on the kind of land rights we are talking about and more than likely it will have some effect on the political future, indirectly at least. So we feel that the proper way for this to take place would be for both processes to be happening virtually around the same time so that one can spill over into the other even though they are two different processes. Obviously if we are talking about political change to the point of the creation of a province, we would like very clearly to make it known that we want the land issue resolved before there is a province in the Western Arctic . There is no way we are going to bring upon ourselves the same situation that other native people in this country find themselves in where land, resources are transferred to another form of government and you now are caught between both. The Federal government has the responsibility to deal with you, it does not have the land anymore to be able to make a bargain with you so we are not going to help bring upon ourselves that kind of situation. So even though that both processes are going to take place in tandem where the land issue comes into question we would want that resolved slightly ahead of the constitutional issue where

we would actually create a province that controls land and resources in the Western Arctic. I suspect though that under the present situation we really do not have to worry about that too much because that is a little ways down the road. Since I have the mike perhaps I could just make a few opening statements. The Dene Nation did not come here with any prepared text. We have come to hear the kind of responses that we are hoping that people are going to make because our public document has been out for some time now, and the last time we had a forum like this the representatives were not prepared to get into much of a discussion having not really had the time to hold meetings with their own constituents. We are hoping that this conference at least results in some honest exchange. At some point we are going to have to try and come to a meeting of the minds and if nothing else, if people walk away from here feeling that the Dene are not creatures from some other planet and we really are a responsible people, we may have come some way. There is some major areas in the document "Denendeh Public Government" which if we were to zero in on at some point we would be dealing with the meat of what really needs to be changed. People reacting to the document without getting very specific, saying things like "we are going to be not allowing the unions to exist". I am sure that the people that envisaged a government run by the people scratch their head and wonder how would we do that. We are talking about giving more power to the people, how would we be taking away more rights from people. Those of us that were involved in the early concepts of the Denendeh document, it is amazing how it must be that we do not communicate our ideas very well because there was no intention at all to take away rights. It was an attempt to create a situation where we would bring together people of

ancestry from all over the world and the local indigenous people that have lived here since as long as they can remember to work together in a society that they both created, not to live in a society that either is forced upon the local residents here by European or to reverse the situation and to resurrect something from the ashes of a traditional society and force that on newcomers here and so we welcome a forum like this but at some point I think we need to begin to get into the meat of what is bothering us the people and have some serious discussions on this. I think there are a number of areas we can concentrate on like the residency requirement, if the senate is something that people do not understand we could spend time on that etc. I do not expect that to make any major decisions at this conference but I think that a number of the areas that are the most contentious to people we should spend some time discussing those areas. I know that a number of communities now have proposals . The mayor from Yellowknife is going to make a presentation. I am kind of interested in hearing that. I expect other communities to be making presentations. Once the presentations are made I think we should exchange reviews, we should hear from them. We have to get beyond communicating with each other by pamphlets and we have to really start jelling a position that we all can live with otherwise we are not going to be able to make presentations outside the North. No one will have the ability to make a unified presentation. Not the Government of the N.W.T. not the city of Yellowknife,not the Dene or anyone else and as long as we stay in that kind of limbo nothing will take place. But I expect more in this conference and I expect that if nothing else what we will be doing here is hopefully . we will be hearing the fears of people so we know what they are and

we can start dealing with them. Thank you.

MR. SIBBESTON: Thank you,Mr. McBryan.

MR. McBRYAN: Mr. Chairman I have a question. Georges has outlined that he would like to get this show on the road, so to speak, and get comments from the floor. My first question to George of the Dene nation, is this land resources now, they are saying they honor the existing titles and leases but what is the objection to selling land to interested parties once they have their land claims settled and they have title to the land themselves. Why is the objection there that a businessman coming into the area wishing to develop a company or a program or a service, why is there objection to selling the land to someone who wishes to set up a business.

MR. SIBBESTON: Mr. Erasmus. Well, why not. Without spending a great deal of the time at this stage on that particular point if you could just answer that.

MR. ERASMUS: If the question is, would we be trying to stop businesses from operating, farms, land exchanging hands so that the normal expansion of community would be stalled because land could not be exchanged and housing could not take place for private use or for commerical use, that was not the intention. The intention was to create a situation where land would not be alienated any further. There would be public land that would be the the lands of all residents within the area of the new political jurisdiction if it is called Denendeh then it would be called Denendeh and then there would be lands that would be aboriginal lands for the descendants of the Dene and there would also be lands obviously for the COPE leadership if they were within Denendeh and those lands, the majority of those lands right now

we are saying would be public lands where all of those people would be recipient to those claims. The land, whether they were lands of Denendeh or the government of Denendeh or the aboriginal lands could be leased for any purpose and the leases could run as long as one would want. Now that is the envisaged concept, but obviously we have a model of private land use which is also around. We are not extremely hard and fast on the Denendeh lands but the lands obviously that will be aboriginal lands we will probably take a much firmer stand on. If we could not create a strong consensus that all of the lands should be owned by everybody through the Denendeh government we would probably relax our situation there, but the lands that would be aboriginal lands I think you would find that the Dene would probably take a much firmer stand on.

MR. McBRYAN: Thank you George.

MR. SIBBESTON: Mr. Wah Shee.

MR. WAH SHEE: Mr. Chairman I was just going to make some remarks in regards to how we are dealing with this conference. It appears to me that there is a certain amount of confusion in terms of how we should run this conference, and, what do people want to talk about because obviously everybody has come to this conference to take something back so that when they go back to their respective communities they have something tangible to discuss, and I gather the opening remarks come from their concerns that they have discussed with their own individual communities. However I think that it may not be appropriate at this time to get into details such as land, resources and whether we want a province or not and what is the time table. So it would appear to me that we have to have a document which should be discussed with the Denendeh proposal because obviously we have

no other document that we should be addressing ourselves. I am not saying this is the only document we should be dealing with, Mr. Chairman, I think that there may be other documents which the conference would like to deal with, however, I think that there should be some discussion on this as to how the people would like to deal with this conference and what they would like to discuss. There were some other things that were brought forward like community government. As you know we can talk about whether we should have provincial status or not. I think the whole idea is that we want some form of public government for the western territory. As you know in the eastern arctic the Inuvialuit area the communities have a fairly good idea as to what they want. Obviously in the eastern territory they do not have as complex a situation as we find ourselves in, in the west because the majority of the population in the eastern arctic are Inuvialuit people, I mean Inuit and so they seem to be, have sort of a general idea as to how they want to approach the eastern territory and how they want to get a process on the road in terms of the consulting with communities. We in the west, we have a large Dene population and a Metis population; we also have a fairly large non native population and we seem to have a variety of ideas in terms of what type of public institution we would like for the western territory so I think what we have to do is discuss areas of common areas which we would all concur and perhaps start from there. I would like very much to see something substantial come out of these conferences and I would like to see some follow through, follow up after this conference is terminated and so that the next time that we come together under the Constitutional Conference then we would have something to come back and say we have this, discussed this with our people and these

are the feelings that they have and progress from there. So what I would like to suggest Mr. Chairman is that is perhaps that if the participants agree that perhaps we should look at the working paper that was developed for your benefit. It is an analysis of the Denendeh proposal and it has been done basically to explain the areas that you may be concerned about, in other words, we did an analysis of the Denendeh proposal with the idea that we want to have first of all a public institution, a government for everybody, and in dealing with the paper you may find that there is a lot of areas where concerns have been raised and may be addressed and obviously it does not say, well this is the way to go by, but it takes into consideration the present state of the constitution that has been proposed by the Federal government and in areas where we have the existing provinces where they have authority and where they do not, and perhaps you may want to take a look at that. The other thing of course that you may be interested in is hearing from Mayor Ballantyne in regards to his paper once it has been finalized for presentation to our meeting here today.

MR. SIBBESTON: Thank you Mr. Wah Shee. So there has been a suggestion made that the conference deal with the working paper which has been prepared by the aboriginal rights groups. Mr. Dwight Noseworthy who is the head of that group is here and if there is interest in dealing with it there are a whole range of ways of dealing with it; either have Mr. Noseworthy go through it and explain, or else, have one of our committees go through it because we were really in a sense responsible for this, the cost and the manner in which it was written, so that obviously is a suggestion and if anybody wants to pursue it. Mr. Stevenson and then Mr. Stewart.

MR. STEVENSON: First of all I guess, Good morning everybody. I just have a few brief opening remarks for this meeting. I would like to say first of all I have been listening to Mr.Erasmus and his remarks and I am very glad to hear that there is still a very much open situation and hopefully we can continue this type of dialogue and information sharing at future conferences. It seems to be that is the way it is going. What I have to say about the Metis Association, the Metis people; as an association we are concerned that the discussion papers of both the Denendeh paper and "Our Land, Our Future" have not been discussed in detail by our people. There has not yet been thorough discussion with the community, the Board of Directors or the General Assembly level. The information has been distributed but not yet followed up upon. Further to our knowledge, the Dene leadership have not had such discussions at their meetings in detail, that is what I am talking about, and George I think has expressed that. If they have the results they have yet to be reported to us. We know that there are parts of both of these discussion papers with which some of our people completely disagree. When we endorsed the Denendeh paper it was as a tool for discussion and that discussion must take place fully among our own people before we bring it to the conference such as this, therefore we are not willing to participate fully this week. We are still trying to encourage the discussion process at a more local level. This is not an effort to stall the process, it is just a frank admission of reality. We are spread very thin as far as people on the job with the association and resources are concerned. We can do only limited work so that work must be on our priorities; at the moment from the Metis perspective there are other areas which bear concentrating on.

These include the definition of Aboriginal rights in the Canadian Constitution and the progress on those parts of the land claims settlement which can be dealt with on a regional basis such as wildlife, land and resources. Our efforts are concentrated here recognizing that the land claim negotiating table is not directly linked to the future of constitutional development of the north and that our resources are very limited. In the meantime we support the work of the Legislative Assembly to strengthen that assembly and to make it as responsive as possible to the needs of the people, this is in the best interests of us all. Further, some of our people are represented through and work with other bodies here today, such as municipal council and the members of the Legislative Assembly. We are happy with the work that some of these representatives have done in furthering discussions at the community level. At the same time we ask them to recognize that we have a much larger geographical area to cover and very limited resources. It will take more time for we are content that our people understand the discussion papers and have discussed them thoroughly. This is a very serious matter which affects us all. We at the Metis association feel it is more fair to you and to our people to be honest about it. This now rather then going ahead without a solid foundation. We are still prepared to enter your discussions in the future and to observe them now and all we can do is wish you the best of luck. Thank you.

MR. SIBBESTON:Thank you. Mr. Stewart.

MR. STEWART: Mr. Chairman, the information that we may require during our discussions and I was wondering whether or not you could undertake to provide to us, as suggested by the town of Pine Point, they have

made a statement that they can accept the position of the Legislative Assembly on constitutional development in the Northwest Territories March 20, 1979 . Could we have that document prepared so that we know exactly what they are referring to there and to refresh our memories plus be the administrative action in relation to Constitutional development in the Northwest Territories on July 12, 1979. There are two papers. I wonder if we could have those for after lunch so that we can get all the meat on the table and then we have got everything in front of us so that we should not necessarily just be discussing the Dene proposal but rather to get the whole thing out so that we can look at the whole rather than just the one segment. One suggestion and pounding that one to death but see where there is common ground and then try to build towards something. On this basis Mr. Chairman I move that we adjourn until we have the papers provided at 1:30.

MR. SIBBESTON: Okay there is a motion to adjourn. Mrs. Sorensen.

MRS. SORENSEN: Mr. Chairman, we have a long paper here from the city of Yellowknife and I would like to get through this in three days so we have some time and I was wondering if the Mayor was prepared to go into his paper now or would he require more than half an hour. I would like to get to it before we go into workshops. I was just wondering what the timing is.

MR. BALLANTYNE: Mr. Chairman, I have indicated to the chairman if I could be put on first thing after lunch and it would take more than a half an hour and I would like to break the flow of the meeting so that, if that is okay with everybody to be the first item on the agenda after lunch I would be more than happy to present my

paper.

MR. SIBBESTON: Delegates there is a motion that we adjourn and I think we should deal with this. The choice obviously is to adjourn now or else continue to noon so I would like to get an indication from you by just calling a vote on this motion to adjourn. All those in favour of adjourning now please indicate. Please keep your hands up so I can count. It appears there are 14 in favour of adjourning. All those against adjourning at this point. 9 against. So the motion carries. Should we adjourn now and meet again at 1:00. Is that agreed.

ADJOURNMENT

MR. SIBBESTON: Ladies and Gentlemen I would like to call this conference to order. It appears that most everybody is here. I would like to welcome Ted Blondin who has just arrived from Rae/Edzo and I would also like to recognize Fred Taptuna, Mayor of Coppermine who is here as an observer. Welcome. Now in respect of the request to have two documents prepared, the clerk has provided you all with the position of Legislative Assembly on Constitutional Development at the last Legislative Assembly and I believe that is before you. Now as regards to the other document. The document is titled Administrative Action in Relation to Constitutional Development in the Northwest Territories and it is a working paper dated July 12, 1979. This paper is not widely available at this time. Apparently there is only three copies in existence that the Legislative Assembly Office is aware of so is you wish we can have these reproduced and provided for tomorrow and so if that is your wish I will instruct our secretary and clerk to do so. I see there is general waving of heads so the order will be put

in. I would like to ask Margarite from Fort Smith .

MS. ROBINSON: Ladies and Gentlemen we are pleased on behalf of the town of Fort Smith to express our great concerns. For this privilege we give our sincere thanks to this committee. We have taken note of a number of options available to the people of the North-West Territories and will respond to the best of our ability. We will make it abundantly clear that Fort Smith upholds the Canadian charter of rights and freedoms; equal rights and freedom for all. These are the basis for democracy. The strength of that very democracy lies within town councils of every small settlement here and in the rest of Canada. The vehicle of public government is presently in place and it has a healthy survival rate. The Fort Smith council is a fully representative elected group, a working part of the Canadian Constitution as it is presently performed. We have a community that covers all walks of life. It is intensely interested in evolving in the political evolution for Northerners today however we are Canadians first. Mr. Chairman this assembly will not re invent the wheel. The Canada Act, the Charter of Rights may prove imperfect . Written history records failures and successes but that fact will not deter our struggle and the people around it. The concerns and the privileges of these Territories are a part and parcel of our life and they will continue to be so. We believe responsible government can be achieved with the negotiation of the N.W.T. and Federal governments. We propose our full support for the present Territorial government. In conclusion we are proud to be part of a country that allows us to express ourselves and we remain Canadians all of us. Thank you Mr. Chairman.

MR. SIBBESTON: Thank you. I would ask Mike Ballantyne now to make his presentation.

MR. BALLANTYNE: Thank you Mr. Chairman. It starts off not in all the copies but in the official copies we gave to the committee there is a letter from me to Mr. Sibbeston. I will read that then I will get into the body of the , of our discussion paper. Dear Mr. Sibbeston, The city of Yellowknife has prepared a Constitutional discussion for the consideration of your committee. It outlines some basic principles that we feel must be discussed and agreed upon for the process to achieve change can proceed in a logical manner. City council formally adopts the paper. A unanimous vote on Monday Sept. 13, 1982. Copies of the paper will be made available to the general public and to interested municipalities. Meetings and workshops will be held over the next few months to gain input from the public. It is felt that a mechanism such as this forum be continued in order that communities have direct input into the Legislative Assembly. It is our intention this paper will promote discussion and will be perceived as a positive contribution to the discussions about political constitutional development. Yours sincerely, from myself as Mayor of Yellowknife. I want to emphasize that this paper is that, is a discussion paper. It is not cast in stone. We have some principles and we hope the people will talk about them and maybe through this one of the mechanisms, we can reach some sort of a consensus in the months to come. We go into page one in the introduction now of my discussion paper. Over the past two decades the question of constitutional and political development in the Northwest Territories has received considerable attention. Politicians bureaucrats, academics and special interest groups have prepared a barrage of reports on this topic. It has been discussed in a variety of

forums. The time for collecting information has passed now. It is essential for the residents of the Northwest Territories to review the information which has been documented; to consider the recommendations which have been made; and to formulate a plan of action which will lead to the achievement of a goal which despite their differences all residents of the Northwest Territories have indicated they want: The evolution of more responsible government leading to the achievement of provincial status. The purpose of this paper is to identify and discuss the underlying principles and basic elements of the process which, if followed, will facilitate the achievement of this goal. Before outlining the factors involved in developing increasingly responsible government it is necessary to identify the principles upon which the process is based. Understanding of, and agreement with these principles is essential to ensure support for the process. The paper "Our Land Our Future" produced by the Government of the Northwest Territories in Oct. 1981 identified basic principles which are fundamental to political and constitutional development in the north. These principles summarized in the discussion paper of the Dene government proposal are 1) Government decision making should rest as closely as possible with those governed 2) that every level of government in the Northwest Territories must have sufficient power, authority and resources available vested in it to enable it to carry out its responsibilities. 3) Government should be representative of and accountable to the people of the Northwest Territories 4) residents of the Northwest Territories should enjoy political rights and privileges equal to those enjoyed by other Canadians 5) the residents of the Northwest Territories should assume the major responsibility for determining the constitutional framework of the

Northwest Territories and the direction of the political change within that broad framework 6) the rights and freedoms granted in aboriginal claims settlements must be protected in law. These fundamentals, these principles are fundamental to the political development in the North and should receive support. . If they do not receive unanimous support then political and constitutional development within the democratic tradition is impossible. In addition to the 6 principles outlined by the GNWT which are general democratic principles fundamental to the development of responsible government a number of specific principles unique to the situation in the Northwest Territories must be accepted. 1) the residents of the Northwest Territories must be committed to working together to achieve responsible government. Present economic and political climate in Canada is not conducive to soliciting support for political and constitutional development in the North. The problems being encountered by the various provincial governments are such that they are interested in only preserving their own well being. Therefore,Northerners must assume the initiative and make a committment to work together to ensure that the constitutional and political development process is effective. If Northerners are to be united in their support of this process, compromise will be necessary. It is acknowledged all Northerners have particular interests which they wish to protect but unless concessions are made and co-operation fostered the process will be adversely affected and will lose credibility. The Federal government has indicated that it is not willing to discuss constitutional and political development with specific Northern groups therefore these discussions should be initiated through the Territorial Legislative Assembly. It is essential the Legislative Assembly assume the initiative and adopt a

process which all Northerners can support 2) the size and diversity of the Northwest Territories is such that steps must be taken to ensure that the government structure that evolves, accommodates and protects the unique social, cultural, economic and political characteristics found in the area. Concern regarding the preservation of unique social, cultural economic and political institutions which currently exist in the North-West Territories has manifest itself in the proposals by the various groups. The proposals concerning division, regional government and government based on ethnic origin are but a few of those proposals which have been drafted in attempts to protect these institutions. These proposals contain valid concerns which should be recognized. All Northerners must recognize the constraints which will affect constitutional and political development and ensure that proposals are realistic and acceptable within the Canadian context. The question of residency requirement is one which given the transient nature of part of the northern population must be addressed. However, the solution must be one which will be upheld by the courts or it will lack credibility. Guaranteed representation for native groups must also be discussed in a realistic fashion. In other countries ethnic groups have been given guaranteed seats in a legislature. For example, New Zealand Maori are guaranteed 4 seats of a 92 seat legislature in New Zealand. These examples should be studied so a realistic solution acceptable within the Canadian context can be formulated. The concerns regarding regional differences must also be addressed. Division of the Northwest Territories remains a controversial question. We should come to grips with some fundamental realities 1) the people of the Eastern Arctic have indicated an overwhelming desire to form their own territory and are resolutely

pursuing that objective 2) the doubts of many Central Arctic and Delta communities must be addressed 3) larger Western Arctic municipalities have demonstrated a strong feeling that the Northwest Territories should remain united and 4) I think most importantly the Federal government will ultimately decide if the Territories will be split and the timing for that division. The Legislative Assembly supports division it is on record as supporting division and as such must undertake certain responsibilities a) to find an acceptable border b) demonstrate to the people opposed to division the advantage of two Territories. I think one of the major problems in the last plebiscite was a lot of people in the Western Arctic did not feel they had proper information on which to make a decision. I think it behooves now the Territorial government to get that information out to those people because obviously there is great doubts in one area of the Northwest Territories, I think it will be very difficult for the Federal government to accept the concept of division. c) ensure that all residents of the Northwest Territories are involved in the process of constitutional development and that ultimately the rights of all residents will be protected in a new constitution or a new government or governments. I think our major objective should be to ensure that the people of the Northwest Territories received improved government whether or not division is approved, delayed or refused by the Federal government. Some people probably look at division as an end all and be all, the fact is quite conceivably it could be a number of years. I think in the interim we have a responsibility to find good government to everybody in the Northwest Territories. I guess a basic underlying principle we should keep in mind. In the interim the development of regional government structures can be accommodated. The existence of a strong territorial

government structure in which regional differences have been addressed may expedite division in the future. At present, it would be unwise to allow the failure to resolve the question of division of hinder the development of responsible government. 3) the Legislative Assembly must take the leading role in the process of political and constitutional development. The Legislative Assembly is a logical body to undertake this responsibility. It is recognized by the Federal government as a legitimate government and it has a mandate from all the people in the Northwest Territories. It must accept a leadership role and not diminish its effectiveness by being viewed as only one of a number of participants in the process. Presently it is very unclear to many people exactly who is negotiating what with whom. There seems to be so many forums discussing constitutional development and there is a lot of confusion out there and I really think a process must clearly identify lines of communication and areas of responsibilities to the different players 4) the Legislative Assembly must ensure that communities large and small are directly involved in the process of political and constitutional development. The size and diversity of the Northwest Territories makes it difficult for individual members of the Legislative Assembly to maintain as close contact with their constituency as they would like. Municipal councils have a close day by day association with their people and as such can provide valuable input to these discussions. The Legislative Assembly must continue to have direct links with the municipalities in forums such as this or in some modified version of this forum. Obviously major changes cannot occur in the Northwest Territorities against the wishes of large segments of the population 5) negotiations for constitutional and political development in the Northwest Territories will not take place in the aboriginal land claims forum. The Federal government

has emphatically stated the two concepts must be separate and distinct. However, it must be recognized that the two processes will overlap in many areas and it is the responsibility of the Legislative Assembly to ensure the ultimate integration of the two processes into a viable form of government for all the residents of the Northwest Territories. 6) once aboriginal land claims have been settled, aboriginal rights as defined in the land claims settlement must be integrated into and protected by the Territorial government structure. A guarantee that this will occur is included in the Canadian charter of Rights and Freedoms. There are indications that the question of how to protect aboriginal rights within the context of the existing provincial and territorial structure, will be discussed at the Constitutional Conference scheduled to be held before April 17, 1983. Therefore steps must be taken to ensure the process designed to accommodate political development will be flexible and can be adjusted to accommodate the aboriginal rights granted in the land claims settlements. 7)Economi development in the Northwest Territories must be encouraged. The economy of the Northwest Territories has little depth. It is dependent mainly on government operations, mining, oil and gas to a lesser degree tourism, hunting, trapping and fishing. To date the Northwest Territories has been relatively sheltered from the economic recession affecting the rest of Canada. The economic viability of the Northwest Territories must be protected while political development is occurring. Neglecting the economic health of the Territories will adversely affect its political evolution. Northerners cannot afford to delay economic development until the question regarding political development is answered. Not only would an erosion of the economic development in the Territories increase dependence on the Federal government, it would make

it virtually impossible for our political institutions to satisfy rising expectations for jobs, opportunities and improved living conditions. Our economy is very vulnerable and the economic disaster presently facing the Yukon could happen here 8) I think this is very important, the Federal government must clearly state its position on constitutional and political development initiatives coming from the Northwest Territories. It is the responsibility of the people of the Territories to reach a consensus as to a reasonable method and timetable to achieve these goals and to demonstrate that we are capable of undertaking them. It is the responsibility of the federal government to respond to these initiatives and to clearly state its position. Northerners must be pragmatic and realistic in their objectives. By implementing a process which will accommodate federal concerns while allowing progressive evolution toward provincial status, confrontation will be minimized and Federal support can be expected. The next part of the paper goes into different elements on how we can accomplish some of these things and if we do not pretend to have all the answers we are putting forward some ideas and some ways that some of our basic objectives could be realized in the pretty near future. The remainder of this paper outlines the basic elements which should be incorporated in a process which will result in the evolution of more responsible government leading to the achievement of provincial status. These elements can be categorized into four major components each of which must be addressed when the plan for the development of responsible government is designed. 1) the role of the Legislative Assembly of the Northwest Territories should be strengthened and expanded. In order for it to be an effective vehicle for coordinating the development of responsible government the Legislative

Assembly must evolve further. Steps which should be taken to achieve this evolution include 1) recognition of the changing role of the Commissioner 2) expansion of the power of the executive committee 3) establishment of a well defined ministerial system 4) strengthening of the role of the government leader and 5) further development of the Legislative Committee system. A primary factor which presently reduces the strength of the Territorial Assembly is the power vested in the Commissioner. As a senior civil servant in the Northwest Territories the Commissioner exercises powers similar to those which before Canadian Confederation, were exercised by the Colonial Lieutenant Governors. Included among the Commissioner's powers are responsibilities for various departments within the government structure, veto power over legislation passed by the Legislative Assembly and responsibility for organizing and chairing the meetings of the Executive Committee. Redistribution of those powers could serve to strengthen the role of the executive committee and government leader. The responsibility for all departments within the Territorial government's structure should be vested in members of the Executive Committee. There are still a number of departments where that is not true. This would elevate the status of the committee to that of a cabinet to ensure that responsibility for policy formulation related to administrative functions would rest with elected representatives. Establishment of a clearly defined ministerial system would ensure that the administrative arm of the government is controlled by the elected representatives who are accountable to and therefore responsive to the wishes of the electorate. The membership of the Executive Committee would be determined as it is now by the Legislative Assembly. Now I should qualify that. Now the Commissioner has the ultimate say but the

Commissioner has been accepting the recommendations of the Legislative Assembly up until now. We are saying he should not have that option, it should be determined by the Legislative Assembly. The expansion and the responsibilities of the Executive Committee must be accompanied by an upgrading of the role of government leader. I am not doing this for you George. The government leader should replace the Commissioner as chairman of the Executive Committee. The government leader should be chosen by the Legislative Assembly and assume the responsibility for assigning portfolios to and overseeing the activities of members of the executive committee so we would have a system where the Legislative Assembly would choose the leader from among their members, would choose six persons to become six other persons become executive committee members then the leader would assign these portfolios. As a representative of the Legislative Assembly the government leader should be designated as a full participant in meetings between the Federal government and the Provincial Premiers. As you know we are slowly getting our foot in the door and our leader has been attending as an observer and we hope to see that role expanded in the months and the years to come. The veto power currently held by the Commissioner should be revised so that it is consistent with the traditional types of legislative control currently in place in the provinces. If members of the Legislative Assembly overstep their authority or approve inappropriate legislation the Federal government could invoke the disallowance privilege vested in the governor in council so we are saying, to take it away from the Commissioner and put it back to Ottawa for now but it would be a much more drastic step and it would be perceived by them doing it now and not our Commissioner . Our Commissioner has done it but the fact is

the power is still there. The restructuring of the role of the Commissioner should occur gradually. His departmental responsibilities and chairmanship of the Executive Committee should be redistributed as discussed above. He should remain as a member of the committee. The Commissioner's position as a senior Federal civil servant in the Territories is a valuable asset which should be used to develop effective communication with the Federal government. The Federal government should identify a cabinet minister to be specifically responsible for Constitutional and political development in the North. As you all know, our major problem now is the Minister of Indian and Northern Affairs has wears so many hats it is very very difficult for him to objectively address the issue of constitutional and political development. The Commissioner and the government leader should liaise with this representative, thereby establishing an effective communication between the two levels of government during the development of responsible government. When the process reaches a point where this liaison function can be assumed by the government leader the role of the Commissioner should be redefined as that of a Provincial Lt. Governor. The support of the Legislative Assembly would allow the government leader to function efficiently in the absence of a Territorial party system. Although the development of a party system may be inevitable it should not be viewed as a prerequisite to the strong response for the form of government for the Northwest Territories. It is another thing that we seem to fall in the habit of doing. We look at certain nodules, if you will, where we have to decide whether to divide or not , bring in party politics or not and people seem to think that everything stops until certain things happen. What we are saying is that you can achieve responsible govern-

ment with or without the party system and let the party system evolve naturally. Let's not stop, you know, and wait for that to happen. We still can improve the system adequately without the party system. While it is essential that the steps be taken to strengthen the executive function of the Territorial Assembly, the legislative process must also be strengthened. The role of Leader of the Caucus should be formalized and he or she should play a key role in ensuring that the Assembly can oversee the actions of the Executive. Committees, both standing and special, can be very effectively used. They should initiate studies, draft legislation, investigate problems and set priorities for the Government. Standing committees such as the Finance Committee and Legislative Committee have shown themselves increasingly more effective. They should be given the support staff necessary to provide a check to the power of the Executive Committee. Special committees, such as Education and Unity, have proven that the committee structure provides an effective vehicle for soliciting public support. Members of the committees are able to travel to the communities and talk directly with Northerners. This approach to soliciting public input is preferable to less direct methods such as the holding of plebiscites. The use of plebiscites to gauge public opinion is a valid tool but often the process is expensive and time consuming. As well, in attempting to reduce an issue to a question which can be responded to by "yes" or "no", many of the nuances of the issue are overlooked. The direct interaction between the elected representatives and members of the public encourages meaningful dialogue in which concerns unique to specific groups can be expressed. I think it is something in the last Constitutional Conference Mr. Erasmus and I discussed that their proposal the concept of the referendums and there is definitely a place

for them but my feeling then and now, it is not a be all and end all and sometimes it does not provide that sort of democratic link that we think it might. The strengthening of the power of the Legislative Assembly is crucial to the development of responsible government. Implementation of the measures outlined above would expedite this process.

2) A program must be established whereby the powers and fiscal resources currently enjoyed by the provinces are devolved from the federal government to the Government of the Northwest Territories. Although certain powers have been transferred from the Federal Government to the Territorial Government during the past two decades the Federal Government still retains ultimate authority in the Northwest Territories. Until the Northwest Territories Legislature is given legislative authority equivalent to that enjoyed by the provincial legislatures the development of responsible government in the North will be difficult. At present the Territorial Government has limited responsibilities which correspond to the powers assigned to the provinces under the BNA Act. Mr. Drury enumerated these responsibilities in his report entitled "Constitutional Development in the Northwest Territories" which was completed in January of 1980, and I quote: "subject to any other constraining provisions under Federal Law, Section 13 of the Northwest Territories Act gives the Commissioner-in-Council legislative jurisdiction over direct taxation and spending for territorial purposes, municipal institutions, property and civil rights, business incorporation, the administration of justice and enforcement of Territorial laws, preservation of game, agriculture, education, corrections, hospitals, intoxicants, and other matters of a local and private nature or matters subsequently designated by the Governor-in-Council. Section 14 provides that Section 13 cannot give the Northwest Territories greater authority than is provided the provinces under the BNA Act in respect of similar classes of subjects." Now

although these powers appear to be comprehensive, in reality they are limited by a number of factors. Primarily, the Northwest Territories do not enjoy fiscal autonomy. The financial resources available to the Territories are limited and therefore the Legislative Assembly must negotiate with the Federal Government for funding to cover this shortfall. The Federal Government presently exercises authority over the activities of the Territorial Government through conditional funding. The short term solution to the financial dependence of the Territorial Government could be the negotiation of an unconditional transfer payment based on predetermined factors which would be paid annually by the Federal Government. The factors used to determine the grant would be based on program delivery for the year in question. Once the amount of the grant is determined, the Legislative Assembly could initiate a meaningful budget process which would ensure equitable distribution of the available funds. I know the government is working in these areas right now. As the Legislative Assembly gains control of revenue producing activities, the grant would be adjusted accordingly until the financial relationship between the two levels of government resemble that which exists between the Federal and Provincial Government. At present, the wording of the Northwest Territories Act is such that the powers of the Territorial Government are limited. The Federal Government can effectively disallow Territorial legislation of any kind by passing superior legislation. The Territorial Government should secure, over a period of time, legislative powers equivalent to those currently being enjoyed by provincial governments. Over time, some specific areas in which some additional powers should be transferred include land administration

and titles registry, control of water resources, forestry resources, fisheries, national parks, justice, labour relations, human rights, housing programs, economic development, health services, vocational and post secondary education, power utilities and also make control of non renewable resources. I think that is realistically in the short term. I do not think that we can expect the Federal government to give us total control of non renewable resources, but I think the area that again we have all talked about is I think to get our foot in the concept of revenue sharing should be explored and, should be decided upon but I really see it realistically as a great long hard fight for us to get control of non renewable resources from the Federal government. As power is transferred, increased efforts must be made to secure for the Legislative Assembly the authority to amend the NWT Act. In the north really, our assembly is the only one that cannot amend their own acts. All the other provinces of Canada amend their act, for example the Alberta Act or whatever the Alberta legislature is able to do that. We cannot which is a major weakness in anything we want to do. Devolution of more responsibility to the Territorial government will have to occur in logical sequences. At present, the government of the NWT has neither the administrative capacity nor the resources necessary to accomodate, there should be all these additional powers. In addition the economic and political climate in the country right now is not conducive devolution of power from the Federal to the Territorial government in particularly, in the area of resources and land management; however, infrastructure to accomodate additional power is developed, devolution of other provinces identified of other responsibilities identified can commence. Then in the long term when the political and or economic changes

the Territorial government would be prepared to accept additional responsibilities in the area of resource development and land management. A program for encouraging the devolution of the powers from the Federal to the Territorial government must be established. In the short term this program will lead to increased autonomy for the Territorial government and in the long term it will lead to provincial status.

3) another I think very important thread that has to go through our talks as all our talks on constitutional and political development has to be based on strong economic base or it becomes meaningless and we cannot separate one from the other. Efforts must be made to develop a stable economic base for the Northwest Territories. The economy in the Northwest Territories is currently based on non-renewable resource development, government institutions and renewable resource harvesting and tourism. The strength of the economy rests in non renewable resource development. The non renewable resource development and tourism industries are not sufficiently developed to support the existing Territorial infrastructure during an economic slump or even during good times actually, right now. The vulnerability of an economy based primarily on non renewable resources development is exemplified by the current situation in the Yukon. As in the Northwest Territories, the Yukon economy is based largely on non renewable resources development government operations, renewable resources and tourism. During1982, two of the principal mines in the Yukon closed down and others laid off workers resulting in a severe decline in population. It is estimated that in Dec. of 1982 the population of 25,500 could drop to 19,000. This would adversely affect the government's tax base. The income tax receipts for the Yukon for 1982 which were projected at 23 million have been revised downward to 17 million. This down turn economic prosperity has forced the government to implement cost cutting

measures such as a reduced workweek for government employees and a reduction of social programs. Despite these measures unless the Federal government offsets a $13 million dollar projected shortfall the Yukon government may not be able to survive the winter. I am sure one way or another they will get through the winter, but I think it just points out their vulnerability and again our vulnerability so we should keep that in mind in all our discussions. That the Northwest Territories is suffering in the current economic slump is evidenced in the lay offs, potential shut down, deferral of development and reduction in exploration which have recently occurred. In the past, there have been suggestions that Northern residents should block large resource developments until questions related to political and constitutional development are answered. This approach would be counter productive because it would affect the economic base of the Territories, reduce the revenue collected by the Territorial government and force it to ask the Federal government for additional funding. Since at present much of the funding received from the Federal government is conditional, blocking resource development would retard the development of responsible government in the Northwest Territories. We are not saying we should let resource development run amok, there obviously has to be strong controls in development but development must go on. The fragile nature of the northern economy makes it vulnerable to fluctuations to the Canadian economy. This factor must be recognized and the economic viability of the Northwest Territories protected while political development is occurring. If the economic health of the Territories is neglected, its political evolution will be adversely affected. We seem to be repeating a lot on this but I just want to really make this point, it is one of the key points I think we are trying to make. Northerners

cannot afford to delay economic development until such time as the questions regarding political development are answered. Again we are getting a little bit repetitive here and not only would an erosion of the Northwest Territories political development increase dependence on the Federal government, it would detract from the argument that increased political autonomy is necessary in the Northwest Territories to allow Northerners to control their future in the face of developmental pressures. Although at present the Territorial government has very little control over resource development in the north, there are steps which can be taken to increase this control. The Territorial government should work towards achieving a larger role in the approval and monitoring of resource developments. I know they are attempting working towards that concept. This would insure that economic development is coordinated effectively and that northern concerns are addressed. Participation in the approval and monitoring of funds should be viewed as a first step in the gradual achievement of controls over natural resources and should begin immediately. The Territorial government has at its disposal a competent bureaucracy which has shown itself willing and able to accommodate additional responsibilities of this nature. Other aspects of economic development in the Northwest Territories must also be addressed. Creation of a strong support system would reduce the vulnerability of the northern economy to external pressure. Ongoing concerns such as the taxation of northern benefits and control of Northern Canada Power Commission must be resolved. The economic development function is designed to promote and assist in the development of service and secondary industry in the very small communities and regions in the Territories should be improved. One aspect of the support structure

which should be developed immediately is vocational and post-secondary training in the NWT. The concept of a College of the North comprised of multiple campuses located throughout the North should be cultivated. Training Northerners for jobs which are currently being done by southerners will facilitate the establishment of a work force which is committed to developing the North as a homeland. The expertise necessary to develop training programs is present in the North and it should be utilized. The actions necessary to establish a strong economic base in the Northwest Territories should be initiated immediately. The development of a viable northern economy will facilitate and lend credibility to the campaign to achieve responsible government for the Northwest Territories. The education, training, job and business opportunities created because of a strong economic base will be as important in the development of a strong northern society as constitutional and political development. 4) The role of municipal government should be strengthened. In an area as large and diverse as the Northwest Territories, the importance of the municipal level of government must be recognized. In the past, the Territorial Government has not fully recognized this fact and has not provided municipal governments with the powers necessary for them to effectively represent local interests. Indeed, the Territorial Government must recognize that the current municipal-territorial relationship contains many of the features which the Territorial Government has identified as being unacceptable in its relationship with the Federal Government. To remedy this situation, steps should be taken to upgrade the position of municipal councils. This upgrading can be achieved through a number of changes. Boards and committees operating in municipalities which are sponsored by Territorial Government departments should be appointed by and/or be responsible to the

municipal council. This would increase the council's ability to control the functions occurring in the community and it would improve its image as the caretaker of the community interests. At present the existence of numerous autonomous boards dilutes the authority of the council and often results in the provision of the service which is perceived as necessary at the Territorial level but which is not appropriate for certain communities. Municipal council should be given the option to assume the responsibilities for delivery of certain types of programs at the community level. If after establishing basic criteria which must be met the Territorial government allocated responsibility for developing health care, education, social services, renewable resources management and emergency service programs to the communities councils could establish priorities and administer these programs in accordance with the communities needs. The devolution of responsibility for the program delivery should be accompanied by increased fiscal autonomy for municipal council. The community will be given a certain amount of funding for providing for a particular service and the council would determine how the money should be allocated given the community's needs. This process would reduce unnecessary involvement in community affairs by the government bureaucracy and ensure that money allocated for certain programs would be used efficiently given the unique characteristics of the community. The role of the government bureaucracy should be re-oriented from a monitoring function to a consultative function. This would compensate for the fact that many municipalities do not have the resources to hire administrative expertise for a specific program. In certain communities, two councils municipal and band council exist concurrently. Legislation governing the operations of these bodies should be flexible so that if it is desired

by the community the two bodies could be merged. Merging of the two councils should be achieved in a way that the interest of the electorate is protected. I think that is something that in our philosophy we are trying to develop and the evolution of municipal government with maximum flexibility should be there but what we want to do in Yellowknife could be very different that what somebody else would do in Fort Good Hope. They should have the opportunity to do the things they want to do in Fort Good Hope, we also should have the opportunity to do the things that we want to do in Yellowknife. That concept of local flexibility, I think, is very important at any of these discussions that we are going to be having. As a need or a desire is expressed on the local level regional government structures should be allowed to develop. Many parts of the Territories have developed regional councils and it has proved to have been an effective way of responding to needs that cannot efficiently be met at the local level, but are not relevant at the Territorial level. That there is a desire for this interim level of government is apparent in the evolution over the past decade of the Baffin Regional Council and the Central Arctic Regional Council and South Mackenzie area council. Municipalities do have interests which extend to areas beyond their physical boundaries. Regional government bodies which develop through municipal initiatives will provide a forum on which these concerns can be addressed. The importance of the role which municipalities should play in the development of responsible government in the Northwest Territories should not be underestimated. In areas vast and diverse as the NWT the insight into the wishes of northerners which can be gained by interaction with municipal politicians

will be invaluable. In another very important point the potential of the municipal level of government as a training ground for future Territorial administrative leaders and political leaders is considerable and it should be developed. I have sort of envisioned that through the Northwest Territories now a whole generation of politicians that are being trained. They are the ones that will take over the Territorial government of this sort of training and that is something that I think we should never underestimate. To conclude I know I thank you for going through such a long haul. This discussion paper outlines the basic principles fundamental to constitutional and political development in the Northwest Territories. The critical elements of the process which must be initiated to effect the evolution of responsible government in the Northwest Territories have been identified and discussed. This information must now be used to develop a process which will effect change. Throughout this paper it is demonstrated that it is possible to develop a form of government acceptable within the Canadian concept which will accomodate the diverse interest of all residents of the Northwest Territories. The political structure which evolves must encourage the full participation of all Northerners in the development of their homeland. The process which responsible government achieved must be flexible and must incorporate a new and monitoring function to insure that it remains relevant. It is to be expected that over time the conditions affecting the North will change. As this occurs the process must be adjusted to accomodate this change. I think we have to realize that there a lot of things that are out of our control and as we are evolving towards some form of responsible government in the Northwest Territories we may get off track from time to time and a decision that we make here today because of the realities of the

time may have to be changed. There has got to be built in safe guards in the process so that whenever we do get off track we will be able to come back...I think that is again a pragmatic way we will have to look at it. I just hope that this paper will provide a catalyst for action. The time has come for northerners to stop arguing among themselves and to take positive action. I concluded that the footnotes here, the acknowledgements of the people that are involved. I want to give a very special thanks to our city clerk Margaret Walton and to my secretary Monie Mikeli who worked many weekends and nights and I, in the last month preparing this and to my council, I might add, two very interesting sessions, to come to some agreement here so there has been a lot of people involved in this process. Also we talked to quite a few experts in the South I might add, by telephone. I was given a $5000.00 budget to do this and I think $77.00 was the final cost of putting this paper together plus about $300.00 in phone costs. And then as you can see, the bibliography. We went through everything over the last month and a half that we could find that has been written about the Northwest Territories. We have reference here to all the various papers and books we found it necessary to read to come to this. So that is the paper. Now I put it at the disposal of Mr. Chairman.

MR. SIBBESTON: Thank you Mr. Ballantyne. Any other speakers. For opening statements. Lynda, Don Jaque.

MR. JAQUE:. I would like to have a couple of points clarified Mr. Chairman if I could. I believe the person who could do it would be Mr. Wah Shee who is not here so perhaps someone else from the Legislative Committee can answer some of these. At the last Constitutional Conference there was some amount of frustration and

embarrassment because members of the Legislative Committee could not speak. I would like to know what the position of the members is at this time at this table.

MR. SIBBESTON: The position has been clarified since the last Constitutional conference and its position is that any Legislative Assembly member, even members of this committee is free to speak any way that he wish but it is generally recognized that the special committee on Constitutional development is seeking input from all Northerners and as such and I believe taking the position that they are not here to make great speeches as such but mainly here to listen to the delegates here. So I believe that just privately talking to the members of the committee they do not intend to make good lengthy speeches as such but are here primarily to listen but are basically free to speak if they wish just like any other delegate.

MR. JAQUE : Good I am glad to hear that. There are two other points they are along the same lines. The two documents from the assembly the one with the Maple leaf with the snow caps and on the front cover and "Our Land Our Future" document are they official position papers of the Legislative Assembly.

MR. SIBBESTON: I believe you are referring to this one. Yes this is the position, this paper is the position of the last Legislative Assembly and it is a position that has been rejected by the new assembly. Okay set aside and since then the assembly has got a new position in respect of Constitutional development and so that is the .. that is where this position paper stands.

MR. JAQUE : Should we regard it then as a document tabled for discussion or is the position of the assembly ... I am a little bit confused about that. What is the position of the assembly now.

MR. SIBBESTON: The Legislative Assembly does not have a formal position that it has put out in the form of a booklet . The Legislative Assembly shortly after its election took a position that it would not comply with or support the position of the past Legislative Assembly's position on constitutional development. It had set up a unity committee which went throughout the North seeking the views of particularly native groups as to what, how what should happen in respect to Constitutional development in the North and the Unity report is not really a report and I guess this whole process of setting up a Constitutional development committee and having conferences and so forth are part of a process of the Legislative Assembly in eventually formulating a position on Constitutional development so I think those involved at the moment in a process trying, the Legislative Assembly is trying to formulate a position and we are doing this through public consultations, sponsoring conferences and so forth. It is also a fact that since the last Constitutional conference an alliance has been established comprised of native organizations and this Legislative Assembly . This alliance has been set up to deal with Constitutional development in the North and also will negotiate directly with the Federal governmentand what we are doing here, what is happening here you may have seen in that working paper, that green working paper that we have kind of a visual drawing of where everything is in relation to one another. Where this conference is in relation to the Constitutional Alliance and so forth. This assembly or this conference here is simply a public forum plugging into our committee on Constitutional development who in turn plugs into the Legislative Assembly and the Legislative Assembly in turn partakes in the alliance the Constitutional Alliance so that is the process that has been set up to date.

MR. JAQUE : Okay thank you and the third point is regarding the delegate list. The one major change I see in the last from the last Constitutional assembly is that and correct me if I am wrong, is that the NDP Party was struck from the list. I can understand that there would be probably two ways to go in that situation, either to have all parties or no parties involved at this table. I would like to hear the rationale behind that decision.

MR. SIBBESTON: The working group that was established by the last conference dealt with the issue as to whether in future conferences any political party should be involved and it was the recommendation of the working group, the committee of 13 or so that this conference had set up that political parties be excluded from any future conferences and this recommendation was supported by our committee our Constitutional Development Committee,and so we have simply not invited any political party... it was thought that in dealing with Constitutional matters it was tough enough as it is to deal with the the complex matters without getting political parties involved and I am aware that as a result of the NDP party attending the last conference that other parties were also wanting to take part in the conferences and we found ourselves in a difficult situation last conference because other parties wanted to simply join into the conference and once they heard the NDP person speak other party leaders wanted to take part in so we had decided then that since they had not asked to come to this conference that no other political party would be invited to that last conference so because of the possibility of the having political parties involved and distracting or taking away from serious discussions it was decided to simply exclude them.

MR. JAQUE: Okay just to pursue that point a little bit further, I would like to see the use of or the role of

political parties included as one of the topics in the working group. I think that, I feel that the significance of political parties in the Canadian system of government cannot be ignored and although at this point in the constitutional discussion process it might be appropriate to exempt them, that if we talked about the fundamental principles of democracy as Mr. Ballantyne did that we attempt to achieve those in to maintain the Canadian, fundamental Canadian principles in a future Territorial government. We can, at the same time, dismiss political parties out of hand as it seems to me the case in this position of this Legislative Assembly. It is briefly mentioned and then discarded and I noticed Mr. Ballantyne did that as well, that he pointed out that might come to pass at some point in the future. That political party system is fundamental to the Canadian democratic system and if we are going to formulate a different process in the Northwest Territories then we must look at the elements that the political party system adds to Canadian government and I think we must capture those elements, the accountability that is involved, the creation of an alternative to the existing government, those are very important aspects of our system of government and throughout the Western world and all the systems of government. I am not advocating the party system. I see a lot of negative things about it. It can be destructive at times. It is difficult for a government leader to try and lead a constructive process with someone across the floor trying to go for his jugular all the time but you know that kind of arrangement does produce positive results and I think that we have to seriously consider that. We have to look at it if we are considering a consensus system of government as suggested. I believe in the Denendeh proposal whether or not that is appropriate in the type of government we are looking at in the Northwest Territories or whether

it can be adapted with some of the elements of party politics so that we get a good meshing of the two systems or whatever or different kinds of systems, what I am saying is let us not discard the party system out of hand. Let us look at it and examine the basic important elements of it and consider that in our discussions.

MR. SIBBESTON: I will simply take your suggestion as that and place it on the list of things that could be discussed by delegates tomorrow and each, if we do happen to break up into working groups then it will be up to each working group to decide to the priority with which they want to deal with the issues listed in yours, that the political parties can be one of them. I appreciate your contribution. Mr. MacQuarrie.

MR. MacQUARRIE: Yes Mr. Chairman, if I may comment briefly in this, since a question was asked about this particular document on the position of the Legislative Assembly on Constitutional development there are members here from the Assembly and perhaps they would wish to explain further on what I will have to say, but, as I understood it, this is precisely what it says; a position of the Legislative Assembly, and I am generally very interested in this kind of thing, and I do not recall personally having had the chance to attend public meetings or to appear before a committee to comment on this position when it was being developed. It seems to me, as I recollect, and I may be wrong and so I certainly invite correction if that is the case, that it was largely an in house thing and they came up with this position paper and if the 9th Assembly does not have a comprehensive position paper it is partly because it feels, I reckon, that you cannot really have successful Constitutional development until there is widespread consultation and you hear from all interested groups of people in order to formulate.

That is my understanding of the nature of this paper.

MR. SIBBESTON: Mrs. Sorensen.

MRS. SORENSEN: Thank you Mr. Chairman. I would just like to say to the city of Yellowknife and to Mayor Ballantyne that I am personally pleased that the city has taken a position and has come to the Constitutional Conference with a paper that outlines that position. I find it a very positive paper, it is a paper that we can certainly look at and a paper that certainly takes what we have now, the structure that we have, modifies it and builds on it. Then both the Denendeh paper and James Wah Shee's paper "Our Land Our Future" call for other proposals and other papers to be brought forward if people have the political will to do so and I will say again and I think probably on behalf of all the delegates here that we are pleased to see that the city of Yellowknife has taken the time and the energy and has spent even though it is a little bit of money, has spent money on putting together their proposal. Mr. Ballantyne, I have a couple of questions but there are two basic ones that I have and the first one that I have surrounds the point that you make on page 5 and I wonder Mr. Chairman if I could have leave to ask for clarification of Mr. Ballantyne on his paper. Fine. It concerns point 3 on the bottom of page 5 where you say that the "Legislative Assembly must take the leading role in the process of political and constitutional development". Now as you know, the Legislative Assembly has supported the alliance, the creation of the Alliance and with that creation of this new body, the Legislative Assembly has given up its leading role in this whole area; and obviously you are saying to the Assembly, that you do not wish this to happen. The Alliance was created because the Legislative Assembly accepted the fact that the native land claims group, the native

people who were represented by those groups had a legitimate role to play in the establishment in the political and constitutional change. Now I wonder if you could clarify why you feel, obviously you feel strongly about this, why you feel that leading role should not be with the Alliance but rather should be with the Legislative Assembly? I also have another question following that one Mr. Ballantyne.

MR. SIBBESTON: Mr. Ballantyne.

MR. BALLANTYNE: I think they are very good questions and I think what I would like to do in the course of this conference is get into points and get some debate and discussion about the eight points. I and my council have a problem with the concept of an alliance. One of the problems that we have had and it seems that we are always talking about the process but things happen; so it was already been decided without any input from us that there be an alliance; so now we are here and after the fact, saying we do not think it should be. I think ih many ways what has happened is events have taken over, reality as we go along, and that at the last Constitutional Conference there still was the thought that perhaps that constitutional and political development could take place in the land claims forum. Now very recently I think the administration came down very definitely that it could not; so the way we see it, obviously there is going to be a lot of disagreement around here, but that is why we are here, to look at the two extremes that are happening simultaneously, you know aboriginal land claims which quite rightfully is between the native organizations and the Federal government, the Legislative Assembly's role there is the overlap, how does it integrate. When you talk about Constitutional and political development I feel that the municipalities and the city of Yellowknife have an equal partner to the Dene nation and

to the Metis Association and to the other native groups in that part of it because that part of it affects us all. So I feel quite strongly as a municipality we should be dealing with the Legislative Assembly and I personally think, I do not know how much thought went into it, the Legislative Assembly has abrogated some of their responsibilities by just becoming an equal partner in this particular process. So yes, I feel very strongly about it and I hope we can all get into that aspect of the debate as the week progresses.

MR. SIBBESTON: Mrs. Sorensen.

MRS. SORENSEN: Mr. Ballantyne, on page 15 you make the comment again under number 3, that efforts must be made to develop a stable economic base for the Northwest Territories. I certainly am very pleased to see that you point out the relationship between economic stability and the progress that we wish to make both constitutionally and politically. Under page 17 you say in the second last paragraph "the creation of a strong support system would reduce the vulnerability of the Northern economy to external pressures", and you mention education as being one of those support systems, I wonder if you could expand for me on what other support systems that you would be referring to when you made that suggestion.

MR. BALLANTYNE: We have done a fair amount of research, and through all the papers we have read back through the last twenty years, and various academics and experts that we talked to, certain threads have sort of gone through it; and it seems that what happens here is that we seem to isolate one aspect of what we are doing and forget the other aspects of it. Now for instance, in the Dene proposal very justifiably, they are looking at ways to protect the long term integrity of the Dene nation or COPE or ITC, which I agree with the

concept, and they are looking at doing it through political institutions. The reality, is there are other ways to accomplish those same ends. I guess when we are talking about education what we are thinking about here, is that the municipalities is another one of these infrastructures that has to be developed; and what happens is that if people are given adequate training and opportunity they can fit into any system. I think it is demonstrated now with the very sophisticated leadership in the native groups, that if the native groups look at the Legislative Assembly as a vehicle they would have no problem, I am sure, of being elected and being very effective in that as a vehicle. The two major ones we are looking at is education and municipalities. The third one is a general economic base. What is happening now is that expectations are very high in the Northwest Territories running across all segments of the population. What happens is you kids now native and non native, who are being trained and being educated and there is nothing they can do, and now they feel frustrated and unfortunately that frustration cannot just be channelled into a political group. Now so, I think we have to look at all these things are happening simultaneously which confuses. You have economic development, political and constitutional development, aboriginal land claims. All three streams are happening and they are inter-linking all the way along so what I was trying to emphasize is to keep aware of that, and try to develop different components of these three things as you are going along and not just be very narrow minded and look at one of them. Does that answer your question.

MR. SIBBESTON: I would like to introduce a couple of people who have come this morning; first is Don . who is from

the NWT Chamber of Commerce in Fort Smith I believe, and Mr. Steve Kakfwi from Fort Good Hope. There is Jerry Antoine also who is representing the Dene nation here today. So are there any other opening statements. Mr. Antoine.

MR. ANTOINE: Thank you, I would like to say a few words. I would like to just make a point that ever since I got involved with the Dene struggle our basic fundamental position that I hear over and over again from our people and at the community level is that to the Dene people the land belongs to us and all the resources on it belong to us. This is our basic fundamental position and because of that in the early days of our involvement we have encountered problems with the existing government structures, which I must say, have improved since that time but it still is a form of government that is being imposed upon us; we never asked for it, but it is here and all we are doing in our Denendeh document, is the fact that the people, the elders the people that have come before us have been saying, that this land belongs to us, yet how come these white people that come up here do anything they want on our land without asking us. This is our land, this is where we go hunting, fishing and trapping, this is where we go out on the land, this is where our cabins are, our trails, our burial grounds are up there. How come they do not ask us. You know this is a basic position, if somebody goes up to anyone of you people in the cities in your back yards and starts digging up, you are going to feel the same way. This is where we come from. Right here. We did not come from where a lot of you come from. We come from right here. So we see ourselves and this north from a different perspective. Over the years we have developed a position that reflects what we want, what we

feel will work for us but it is just a discussion paper and there are different points in our position that represents what the elders have been saying and our people have been saying all along like the land claims process, negotiation process they are linked with this session here as far as I am concerned because our position in our land claims is that we want to negotiate for the land and the resources. Okay if we do get what we want then we have got to have some controls over these resources and the land. If we do not have the controls in there then what is the use of having the land and resources so it is definitely linked together. So this is the position that I see the process that we are involved in. It may be foreign to a lot of white people here but it is not something we imported, it is something that has been here all along so this is what it is that we want. You have a system that has been in place but it is not really what we want. We want a different maybe improved system. There is one thing that has been personally bothering me is that there are communities that are combining their councils with the Dene council, the chief and evolving it with the community council and they have a truly community council but each community is different in composition and in the North one community is very different from another. Yellowknife is not the same as Fort Liard for instance so you cannot say this is going to work for all of us. It is going to have to be the finer details of how it will work still has to be worked out but the position is still very general that and the Dene document is still open for discussion. So in the minds of a lot of Dene people, like a lot of you are intruders on our land. That is true

but then we are here at the table with you hoping that we come out with a position where we would all be satisfied with. This is all I have to say for now so ....

MR. SIBBESTON: Any other opening statements. If there is no other person can I suggest a 10 minute coffee break.

BREAK

MR. SIBBESTON: Ladies and Gentlemen I would like to bring the conference back to order and ask any other speakers who wish to say something to do so. Mr. Romeike.

MR. ROMEIKE: Mr. Chairman the town of Pine Point would like to make sure that the paper entitled "Position of the Legislative Assembly on Constitutional development" in the Northwest Territories becomes the working paper of this conference and therefore I table it formally as a working paper. We would like the Honorable Minister Arnold McCallum to explain the paper and answer questions now.

MR. SIBBESTON: Mr. Romeike is that a motion. Is there a seconder? Mr. McBryan. Is there any discussion on that motion. Mr. McQuarrie.

MR. MacQUARRIE: Yes Mr. Chairman just one sort of clarification. The clarification of one word, did Mr. Romeike say the working paper of the conference or a working paper of the conference. A working paper, okay.

MR. SIBBESTON: Mr. Romeike I take it as your intent to have it as one of the working papers among other ones that are available. Is there any discussion on this motion. A question has been called. All those in favour of the motion please indicate.

All those in favour of the motion please indicate by raising your hand. High. I am having some difficulty counting.There are 14 in favour. All those opposed please indicate by raising your hand. Mr. McCallum. One opposed. Two opposed. The motion is carried. So Mr. Romeike were you thinking that the motion would be acted upon immediately and that Mr. McCallum would ....

MR. ROMEIKE: Well it would be up to Mr. McCallum. To deal with the paper and answer questions. I think we can deal with it now if it is acceptable to the .. if not it can be brought up later.

MR. SIBBESTON: What is the wish of the delegates here. Is it desired that Mr. McCallum make a presentation or explain the position paper of the last Legislative Assembly. I am assuming that Mr. McCallum is agreeable to do so. He has not indicated otherwise. It could be done anytime. I am just wondering if you wanted it done now or at some appropriate time. All those in favour of having Mr. McCallum deal with the paper now please indicate by raising your hand. All those against. It seems the majority of people do want you Mr. McCallum to deal with the paper now so could you please. It has been a few years I realize but.... Mr. Ballantyne.

MR. BALLANTYNE: Are you able to do it right now or do you want time. I do not think we should force it upon. If you want some time to prepare it.

MR. McCALLUM: Mr. Chairman I am not sure as to the extent of how much or the extent to which people want to go into the position paper of the 8th Assembly. I am prepared to say a few brief comments about it as to its origin, as to its purpose of the paper but I would .. I may not be able to field all the questions. It

goes back about 4 years. I do not have any difficulty I do not think in attempting to place before this assembly here some comments on the paper and having done so to make some comment or to try to answer some of the questions. Perhaps it may well be better if I were to try to just indicate to people here why the paper came about, what it really was and then if there were to be questions possibly they could be taken up at a later at another time. I do not mind being put into a particular position but I may not be able to go totally through it. Perhaps it would be best then Mr. Chairman if I simply indicated to you, the paper is exactly as it says. It is a position of the 8th Assembly of the Northwest Territories. It came about because of a variety of reasons. It was not a paper that was a result of public or other peoples of the Territories input. Mr. McQuarrie had indicated that very correctly. It was not a paper that was developed as a result of gaining a lot of input from people. It was a paper developed by the fifteen members of the 8th Assembly. It was an attempt to in the last year of the 8th Assembly to put down on paper the aspirations of those 15 members towards the obtaining of responsible government. I think one would have to recall at that time we were in a difficult position and a struggle with the Federal government as well as the other two political parties at the Federal level to attain greater representation government. We had been attempting for a year to have the Federal government make an ammendment to the NWT Act that would allow a greater number of representatives, elected representatives. We were able to do that and again the date escapes me but it was a Friday afternoon bill in the House of Commons that allowed for the election of Sept. 79 to increase the number of seats in the Territorial Assembly from 15 to a maximum of 25. As a result there was a judicial boundary review under Judge

Tallis that recommended that there should be 22 seats. We, when I say we I mean the 15 members of the 8th Assembly were of the opinion that the Northwest Territories was at that time in 1979 prepared, ready, willing and able to assume responsible government and we had set up a course firmly towards the attainment of Provincial status. There were a number of blocks put in our way. We did not believe that and we were not working under the delusion that we had support of all people of the Territories toward that goal but we felt we should be fore the Assembly finished its term put down on paper what we believed should be the way things would evolve. We put down I think as the paper said wedivided it into some recommendations, a summary of recommendations, I even forget the total number, 32 of them, and then provided them with support for those recommendations. We tried to put in a time frame the attainment of the particular goals. Some of the things that have been said today and that have been said in the past are some of the things that we put forward. We knew we had to have the cooperation in terms of the Federal government. It took some time to get that. We knew we had to get the cooperation of other Federal parties. It was not a definitive stand, it was not a paper that did anything more than place before our Legislature of the time a position paper. We were anxious to see that Canada would recognize that the Northwest Territories had a role to play down the road. At that time or along that time there was a proposal to get a new Constitution in Canada. I appeared on behalf of the Assembly at the joint committee of the Parliament and the Senate

on a proposed Bill, I think it was Bill C60 at that time and nothing came from that because there were two Federal elections in the meantime. I think that basically it was a response because as all of you know Mr. Drury was in the process of developing his particular thoughts and recommendations on the role of the Northwest Territories in the years to come. We wanted to make sure that he had something definitive from us, that is from the 8th Assembly that he could incorporate or that he would at least look at. We felt and I think it is the same now the same feeling now in the Territories that the people of the Northwest Territories should have a role to play in the development of Canada through the total part of Canada. We realize that there would be errors or omissions or mistakes made but nevertheless we felt that we should be able to make those mistakes as many other Canadian has done in other parts of Canada. And so we recommended that there were fundamental changes that should take place, fundamental recognitions of the status of the Territories and we went on to talk about various aspects of the Assembly, its authority, executive and legislature, we talked about economic development, we talked about the devolution and local government and regionalism and a great number of things which is embodied within 32 recommendations. We put time frames on it. One of the things that we had said as well, within this was we should determine whether division of the Territories should take place. I think that we had recommended as well that should be the subject of a referendum at the time of the next election. That did not take place. It took place last year or early this year rather. Other than that Mr. Chairman very briefly it came because as I say the Assembly at that time felt we should make

a position known. There had to be a starting point. We were in the midst of negotiations for greater representation, we were in the midst of negotiations of the transfer of certain functions that the Federal government still has in relation to people of the Territories and we wanted to make sure that Mr. Drury had something from the 8th Assembly that he could use as he wished but at least have something from us from which he could put forth certain particular ideas of his own. We put a time frame with it. I do not think that time frame although it may be bandied about because it is 4 years later or close to 4 years later those timetables I think to some degree have pertinence at the present time. I am not sure whether I have much more other than if there may be fundamental questions or basic questions to it but, to the detail I would have to I think,Mr. Chairman,take some time on it.

MR. SIBBESTON: Are there any questions of Mr. McCallum at this stage. Mr. McCallum could I just ask you to take the liberty as Chairman to ask you a question. The changes that were proposed in this 8th Assembly position was it to have a government evolve in the traditional what is British model of government towards what we know in the provinces. Was that simply an evolution or the government plan towards the usual government provincial type of government system.

MR. McCALLUM: Mr. Chairman we felt that we accepted what seemed to be a reality at that time. That to be an equal partner in the Confederation of Canada a jurisdiction had to be a province. We had gone through a couple of years or some of us had gone through a couple of years of trying to be part and parcel of inter provincial

and Federal/Provincial meetings that dealt with areas that affected people of the Northwest Territories that we were able to make some inroads but we felt that in order to be a member of a Confederation the Confederation of Canada you had to be a Province. If we were going to aim for that partnership to have a say to have people of the Northwest Territories have a say in what role or in what should happen in the Territories in order to assume that role you would have to be a province so we moved towards the reality that we wanted to be a province and as such then it would be in the idea of the kind of status quo that is present in Canada. We had hoped that there would be a recognition of certain kinds of changes that we could make within our own jurisdiction but in order to take that role across the country we would have to attain the status of a province. So yes in answer to your question it was along that but we felt we should be able to make our own particular and peculiar and I do not mean that in a derogatory sense, I mean our own particular and peculiar changes that would reflect the land, the people and the way things were in the Northwest Territories.

MR. SIBBESTON: Mr. Watsyk.

MR. WATSYK: On page 10 your recommendation #4 and 5 dealing with the special responsibility for Indian and Inuit is best exercised through the GNWT with the Federal government monitoring the recognition of the special rights within the Territorial legislation and 5 that the government of Canada grant to the GNWT the status of an equal partner in the settlement of comprehensive native claims because of the effect which a settlement of these claims will have on the future of all the people in the Territories because the need to have community and other interests more fully represented. In Simpson we felt that

the land claims were with the Federal government and we would tend to feel that is something they have to settle with that Federal level. At that time the Territorial Council wanted to be more fully involved. Do you still feel that this is a recommended and advisable approach.

MR. McCALLUM: Mr. Chairman, the recommendations on fundamental issues that Mr. Watsyk refers to were the recommendations of the 15 member assembly. They did not I do not think represent a particular individual's preference for any one individual. It was a collective agreement. We recognize that there was a special responsibility because special responsibilities are the framework of the Confederation of Canada. Everybody has made a particular deal. We felt that what we would want to do would be to put in the recognition of these special rights into Territorial Legislation so that the Federal government would not be able to take away that kind of acknowledgement or recognition of these rights. We felt it best to have it framed within our own if you like constitution. We felt as well that the Territorial government should play a role and have the equal status in the settlement of comprehensive land and native claims and I stress the word comprehensive native claims because there would be an effect after any action that would take place on the part of the Federal government when those claims would be finalized and since the legislature represented not as well as it does now in that we have a greater representative assembly but certainly as we had at that time by law represented the interests of all peoples of the Territories. We felt that the future of all peoples of the Territories would be affected with the settlement of comprehensive land claims and as such there would be community and other interests

that would have to be acknowledged, protected and therefore we felt that is the 8th Assembly felt, we should have an equal status in that. As to how I feel now I as an individual I would think that because of the way things have evolved over the last three years or four years since that statement that I think that is the kind of thing we are sitting here to discuss now. Those particular statements were not statements of my own, they were statements of the collective group of the legislature rather than an individual. I think that we have talked about that and in the 9th legislature of the status of the Territorial government in land claims and I think that there has been an acknowledgement that and I am sure there will be other members of the legislature here who would correct me if I am wrong or would have me take on a different position, I think that there is acknowledgement that the Territorial government does have a role to play.

MR. SIBBESTON: Mrs. Sorensen, and then Mr. Green.

MRS. SORENSEN: Yes Mr. McCallum obviously the 8th Assembly transmitted this position paper to the Federal government. What was the reaction of the Federal government to the more or less to the demands that were made for Provincial status and to the transfer of resources to the Territorial government. Did you get a formal reaction from the Federal government on the paper and specifically on some of the issues within the paper.

MR. McCALLUM: Mr. Chairman as I recall we did not get a specific response to the legislature. Mr. Drury was involved with the process of travelling throughout the Territories at that time.

Mr. Drury, I think, did make some comment upon the paper in his response to an assembly. We certainly heard from the, then federal government, that suggested that not in his lifetime, the leader of the government, not in his lifetime would there be provincial status to the territories. We heard from the next federal government and its leader who said that yes, he would work towards that, and I refer to Mr. Trudeau in the former case and Mr. Clark in the latter. At the present time, I do not think there is any particular move towards giving a response. I think it is simply another document that has been put on the table as has a number of other documents, and to my knowledge we have not had any formal response from the federal government as to what we could, what they would do in relation to the kinds of request we have made. I think that was alluded to earlier. It is one of the things we have to find out.

MR. SIBBESTON: Mr. Green.

MR. GREEN: I recognize that this position has been made some time ago. Recognizing that, I have a question on, for Mr. McCallum on page 50 item number 4, the concept of regional government. Is that current? Is that the position of this, of the current, the present Legislative Assembly?

MR. McCALLUM: Mr. CHairman, this position paper in October of 1979 was set aside by the Ninth Assembly as Mrs. Sorensen pointed out, to be used, I think, or to be a resource document in the development of a Ninth Assembly position on constitutional development in the Northwest Territories. It certainly was a definitive position in 1979 by the Eighth Assembly. That is, that regional governments having with their own law making them a power and administration be rejected notwithstanding that the Eighth Assembly did recognize the Baffin Regional Council. At the present time in the Ninth Assembly and as a

position I guess of the government, the present day government, regional councils, I think you would agree, are flourishing; so I am not sure what the position certainly in fact as the government in the NWT at the present time we have in working very closely with regional bodies in the development of regional bodies in the development of regional government.

MR. SIBBESTON: Mr. Green.

MR. GREEN: Yes Mr. Chairman I do hope that there has been a change in the thinking of the legislature. By that I mean they have recognized the constitutional alliance as it is in fact in place today and that the line of thinking that was in the minds of these 15 members at that time is quite substantially different from the situation that we are facing with today and I think that recognizing that there is a need to have devolution take place. I wonder if that is the present position of this legislature? I just, you know it is bothering me that at this late date a document would be introduced to this level you know. I just wonder where did the document come from? I mean where did the input come from to formulate the position that has been advanced?

MR. McCALLUM: Mr. Chairman I am sure that the Minister of local government would like to comment upon the development of regional forms of government. I do not want to comment upon the comments of Mr. Green. I would simply like to be answered the last part which I would take as to be a question. The input into this

document was the kinds of input that we were able to obtain by having research done on the development on the constitutional development in Canada and has been suggested in other papers that have come to this forum by the use of expertise in the field of constitutional development in Canada. That is where the input to the Assembly came from.

MR. SIBBESTON: Okay, thank you. Mr. Wah Shee.

MR. WAH SHEE: Yes, in reply to Peter Green, the present government of the Northwest Territories does recognize regional forms of government. We do have legislation in place to give that recognition to the BRC. The Keewatin is also forming a regional council and I expect that I will be bringing forward the legislation to give that recognition to Keewatin. As well, the Central Arctic is also interested in regional council, and in the Dene community there has been interest expressed in that area, however more meetings will be required to deal with the Dene communities. In the area of the Mackenzie Delta in regards to COPE, we have an understanding with COPE that we will proceed with the WARM proposal so we do have recognition as a government in regards to regional governments and we hope to proceed with meetings and conferences and insure that the people in the given area, that is expressing interest for regional forms of government, are the groups that are involved right from the very beginning, and if I was to put forth legislation in that area, then I would have to be assured that it was supported by the communities within that given region and so I do not see any difficulty in that area. What is confusing me at this

stage is that it is my understanding that this conference would like to also have this paper, which was approved by the 8th Assembly, as another working document along with the Denendeh paper, along with the paper that was submitted by the Mayor of Yellowknife. I wish the chairman would clarify that, so that I would know how many working documents we are going to be working with.

MR. SIBBESTON: Let me just say that as far as working papers or papers that are available to the delegates here, that I kind of formally recognize as papers belonging to the conference; there is of course the working paper which, we, this committee, have brought forward and have distributed to you. Now we have not had formal adoption of it but it is a paper that is more or less laid on the table. You can reject it or accept it. Just recently we have had a motion to accept as a working paper the Constitutional Development paper of the 8th Assembly. That paper is now formally accepted by this assembly, by this Constitutional Conference, as a working paper, so in my view we have a number of documents that are before us that we are working with. We have the paper, the green working paper, the Constitutional paper of the 8th Assembly, we have the Denendeh document, "Our Land Our Future" a paper produced by Mr. Wah Shee's office and we have now the city of Yellowknife's position and really we have all the positions that have been stated by the various delegates. We are accumulating working papers or position papers that are before us so I do not think there is anything magic or anything very difficult about what is a working paper or not. It is

simply a working paper and there for you to read and it can be used in any way you wish and for all we know there might be a truckload of paper come in tomorrow and we can accept or reject those working papers. Anything which can contribute to a good discussion in the next few days is welcome. How is that for a very liberal judgement. Are there any other opening statements. If not can I suggest that we deal with the format for tomorrow. As I see it there are three alternatives. One is to continue as we have done today, continue discussion; second alternative is to break up into working groups as we have suggested, having a list of topics that could be dealt with and leaving it to each workshop to priorize these and deal with them as they wish or adding anything else they wish to. We could provide resource people to each working group. The other third alternative is to simply have an informal discussion right here with everybody present but without the presence of those bright lights and reporters. It was thought this latter approach might provide for freer exchange of ideas and as a number of people have said already thus far in the last few days we are all Northerners and maybe it is time for a good scrap and a good down to earth discussion with one another about the things that are concerning us very much, about the constitution so I have these three alternatives before you and we are open to go as you wish. Mr. Watsyk.

MR. WATSYK: Thank you Nick. I was just sort of thinking of a slight variation of the third option where we would possibly go through these various working papers and identify those parts that we as a group can support. Would that help us sort of get the general

drift and yet on paper have the specific items that we can support, usually support.

MR. SIBBESTON: I am sorry Mr. Watsyk, could you indicate your idea again please?

MR. WATSYK: Well, if we go through something like the '79 position paper and there are 32 recommendations. If we would go through them one by one and do we agree with the number one, number two or under what variations. Do the same thing with the Yellowknife paper that has been tabled. The Denendeh document, go through that and find those parts that we support as a group and then maybe identify those that we have difficulty and what type of difficulty we are having. Would that give us sort of some general movement forward?

MR. SIBBESTON: You have heard that suggestion. Are there any other ideas as to what ought to be done or variations of the alternatives or perhaps a fourth alternative. Go hom? Mr. Bonnetrouge.

MR. BONNETROUGE: Mr. Chairman, somebody earlier this morning suggested that, and I support Orest Watsyk from Simpson. I think the working paper, this green one that was initially given to the delegates here contains a lot of the Denendeh things that have been tabled and there is a lot of discussion, and the Secretariat of aboriginal rights has included a lot of comments in it and somebody earlier suggested that maybe we should go through this green paper item by item, and the people that have difficulties with some areas

and some points in the proposal can raise them at that time and I think that will probably liven the discussion some more so I support Orest.

MR. SIBBESTON: Mr. Blondin.

MR. BLONDIN: Yes, I, when the working group got together a couple of months ago it was suggested that we were basically looking at two proposals; one was the Denendeh proposal and the "Our Land Our Future", the one the government proposal put forward, and it was suggested that there were some points in there that were identical, you know, and that they could be put through this paper, but that also there were issues, major issues, that had some problems, like there are certain groups here that could not get together on and I thought maybe at that meeting it was suggested that these items could be put on the agenda and discussed and I think those major issues are basically the meat of the problems of the setting up of a constitution and I thought this was one of the things that was going to be discussed.

MR. SIBBESTON: Mr. Erasmus.

MR. ERASMUS: Personally, what I would like to do tomorrow is have a session with everyone. I think if we broke into groups that we would probably have a situation where some of the proposals that are coming forth from the different communities, we would not have the ability to hear from Pine Point and each group, we would not be able to hear from the city of Yellowknife, in each group. I think it would be better if we stayed together as a single group. We are not extremely large, it is still possible to have a fairly reason-

able communication even if we stayed together. On the other hand I think that having another forum like this tomorrow with the media here personally I think we are going to have a three day session, one of those days should be one that is not necessarily covered by the media. I think we should have the ability to let the public in, they can sit in if they want but lets keep the media out tomorrow and have a session where we try to really get across to each other and lets do some of the things that Ted and others are mentioning. We have proposals coming forth. The one that you are going to have to deal with if you want the Dene reasonably satisfied is our proposal. You may have 100 other proposals but if you do not deal with the Dene proposal there is going to be a lot of people in a lot of communities in the Western Arctic that whose interests are completely ignored. So it seems to me that we have a number of major proposals before us the most significant one is the one of the Dene nation put forth with the Metis association as a discussion document. It is going to really assist us if we can hear from representatives of the non Dene on the significant areas where there is some major differences where we are proposing new changes to government. As Bob Stevenson mentioned this morning and as we have mentioned many times this is a document that is evolving. We are prepared to be involved in a process where if we hear some reasonable argument for putting in some new sections to our proposal etc. we are prepared to listen and we would like an opportunity to find out why people are taking other other positions. We think there are a number of serious problems in front of us which we would like the delegates here to address, things like

what do you do in Communities where there never has been a descendant of the Dene on the local community council and we are not looking at any alternatives and yet a large section of the community is clearly aboriginal. What do we do in situations like that. Are you saying that the old situation is perfect? then how do you account for the creation of the Dene nation. How do you account for what we have been doing and the continuing kind of concerns that people have that have not been addressed? Going back to a position that a former council had that did not take into consideration the majority of the aspirations of the descendants of the Dene, would not be a step forward at this time. It is a good history lesson to go back there but what we need now is to be able to speak with a single voice. The North has a lot of land but we have very few people and unless we speak as a single united force we are not going to get anywhere and we are here together now. We have come here primarily to look at our political constitutional future together, we are going to have to accomodate each other and we are going to have to try and come up with positions that we are all going to be able to live with. Regardless of how little we can accomplish at a conference like this, if nothing else we should look at the areas where we have some real differences and see if there is any kind of middle ground at all and the only way we are going to be able to do it is to take a look at the primary kinds of changes that the descendants of the Dene are putting forth for government. We are saying for instance residency; we want to deal with it. We think that having a situation

where, like in Norman Wells, now they are going to have a municipal election this winter to have transient workers being able to put in a local government is ridiculous, absolutely, totally ridiculous. To have the same situation possibly a few years down the road where you are going to have transients put in the government of the Western Arctic is just as ludicrous. We think that many of the proposals that we are putting forth will also protect long term non native northerners and what we need to do here, I think, is to have some time together to take a look at these issues earnestly. I would suggest strongly that tomorrow we have the time together as one group without the cameras, without the media. There is too much at stake, and if it is possible for us to come to terms in some areas I would prefer we came to some kind of aggreement in some areas, the meeting of the minds, or at least if we walked away feeling that we knew each other better and we knew where we were coming from, and we were not afraid of each other any longer and that we did continue to have a difference of opinion, but not to walk out of here and say the Dene do not want any non Dene in the NWT. Not to make statements that do nothing but polarize our people. There are so few of us in the north that if we do not work together we are completely insignificant. We do not measure up to very much already in this country, but to polarize ourselves even further just does not make any sense at all. I recommend very strongly that tomorrow we have a session in private, not in private from the public, the public can walk in as far as I am concerned, but I think that the media should be

excluded tomorrow. Thank you.

MR. SIBBESTON : Mr. Ballantyne.

MR. BALLANTYNE: I tend to agree with most of Georges statement about what is the most significant proposal in front of us. We may have a difference, but what I would like to see tomorrow is our paper. There is 8 points and principles put forward. I would like them discussed. I see the value of actually all of us meeting together, I also see the value of us having a private session. I think they do in every other forum. You do not notice the Premiers when they get together always doing it publically. I think there are certain things we can agree on but when we get down to the nitty gritty I think we will probably need that opportunity to be able to speak our minds and get into it, as it were, so I would basically support Georges' concept. I would like to see the Dene proposal discussed, I would like to see our proposal discussed in detail and the proposals put forward by the municipalities. I also have a problem of going in depth with the position put forward four years ago, where it has not got anybody here that is ready to justify totally. Now we have listed it in our paper as a background paper. The time is really passed it by. I think we should discuss the proposals from the municipalities in front of us today and I agree with the basic thrust of what George is saying.

MR. SIBBESTON: Are we reaching a consensus here? Mr. McLaughlin.

MR. McLAUGHLIN: Thank you Mr. Chairman. I think that what we have to do,is you know,it is really unfair to say we are going to pick one or two papers and only deal with them, just go through them from front to top. I think what yourself and the few people on the

committee could do is to take the main topic areas and discuss them and then the proponents or the issues that come up in those areas can can be pulled out of each of the discussion papers that people have referred to. That is the common sense way to do it. If you try to go through one and then try to go and pull stuff out of the other it is not going to work. It would be best to, for example, talk about what should the relationship be between the Federal government and any future government in the Northwest Territories and how we get there, and then pull all those parts out of the different things for discussion. I cannot see how you can go through one document from the front to the back and ignore the others.

MR. SIBBESTON: Mr. McLaughlin what are your views with respect to the format for tomorrow if I may ask.

MR. McLAUGHLIN: Well, I do not find that a concept the whole group or workshops as long as we do it by topic because we could all deal with major topic or we could break down if there is three major topics to identify then maybe we could have workshops. I also feel that the general public should be involved, and I do not see how you can tell people who work for the media that they do not belong to the general public.

MR. SIBBESTON: Okay. Mrs. Sorensen and then Mr. MacQuarrie.

MRS. SORENSEN: Thank you Mr. Chairman I too have difficulty going in camera tomorrow. I think that part of the role of the media is to let people outside Yellowknife know what is going on and if you just let the public of Yellowknife in then they are the only people that are going to be informed. Another reason that I feel that we should remain in the public eye is that we are still learning what

the Denendeh proposal is all about and we are about to learn more about what the city of Yellowknife's proposal is all about. I do not feel that I am ready to negotiate on the various issues. I want the public to know where everyone stands basically on these issues and I think that that has to be done in the public domain at this point. I, as a result of some of the things that have been said today particularly the statement that was made by the Metis Association that the Denendeh paper has not yet been discussed at the community level to any great degree. I feel then that we should for that reason alone, stay in the public domain so the people who are in the communities know exactly what it is that we are speaking about today. Someone mentioned earlier that it was time to pull the gloves off. I do not feel that we are ready to pull the gloves off either and negotiate the specifics. We are still educating ourselves on the Denendeh proposal and on the city of Yellowknife's proposal now. The other point is that I too feel that the 8th Assembly's position paper is somewhat out of date. Certainly members of the 9th Assembly who were a part of the production of this paper have changed their opinion. Many of those who voted for division, this paper does not support division. Many of them supported the creation of regional government within the Baffin Region and now the Keewatin Region and now they support that, so there is parts of it, it is true that are outdated but there are also parts of the 8th Assembly's position paper that are seen in the Denendeh paper and are seen in the city of Yellowknife's paper, so to reject it out of hand is to reject positions that we all have accepted already. I think another paper should be on this table, perhaps not for detailed discussion, but for the knowledge of all the delegates and that is the Drury report. It contains good solid information, many good recommendations that all

of us already support and should be in the hands of each and every delegate so that they can take from that document as well what is good and certainly reject what we cannot accept, so with that I would say I do not support of going into in camera tomorrow but I do support staying in a committee of the whole.

MR. SIBBESTON: Thank you. Now Mr. MacQuarrie and Mr. Stevenson.

MR. MacQUARRIE: Thank you Mr. Chairman. I think with respect to what should be discussed, part of the fear the delegates have is that if a paper is not put forward and discussed thoroughly right now, that somebody elses paper will be adopted by this gathering and that would be the end of it; and there is no danger of that happening at all I am sure not for any of the papers, and consequently it is a long term process and everything that is pertinent will get dealt with in its time. I think the important thing for this gathering is to try to come to something that we can agree to, and not necessarily dispute the merits of what someone else said at some particular time. That would be fruitless. That would be time consuming and would not get us anywhere. I really feel that we have a short time together and that the most fruitful discussion would come from discussing the points that delegates have been aware of for the greatest period of time, and without question that is the little pamphlet that was distributed and the green paper which amplifies it which details a little more some of the issues and I would strongly recommend, I am willing to stay together tomorrow. I think maybe that is the best idea but that we do go through that green paper. People have mostly had a chance to see it and think about the issues and I agree with Mr. Erasmus, lets just see if there are any points of agreement at all or if there are not, then we will know that there are not, but we will be starting to get at the meat of the issue.

There is just one exception to that. I would also want to include what I consider the crucial point in the Yellowknife paper, and that is the question of process. The Legislative Assembly has not deregated the responsibility, it has deregated some of its authority or power. It obviously has the power to proceed in certain areas and that is what the 8th Assembly attempted to do. The 9th Assembly, we, felt that even though it has that power that in the complex situation that faces us it was most adviseable to try to share that power with other groups who rejected a unilateral approach, and that is what the establishment of the alliance is all about; and I think that in addition to whatever is in the green paper that issue should be raised because Yellowknife is saying that the Assembly should not do it that way, that it should retain the lead and that is a crucial issue, so I would hope that we would get to that during the conference, as well, and I think if we can discuss those issues thoroughly that we will have accomplished something very significant during this period of time. Even if we do not come to a resolution of those issues we will come to a little better understanding of the range of opinions, what other people can and cannot accept, and how we might have to modify our own stand if we are going to get any where. With respect to the media I have a slightly different focus. I would like to be out of camera tomorrow. I do not think it is the presence of the media that is bothering people, it is the glaring lights. You feel that they are kind of oppressive and that is what sort of makes us feel that somehow it is difficult to relax and to be easy with one another. I would recommend that we simply ask that tomorrow there be no television coverage and that the big lights be turned out but I can see no problem with the remainder of the media sitting here if in fact it is allright for the public to come in. That simply represents

the public who cannot be here and I would not find their presence difficult in any way at all.

MR. SIBBESTON: Thank you. Mr. Stevenson.

MR. STEVENSON: I guess I just want to support what George has had to say in terms of sharing of all these various papers and having a frank discussion with each other and I think that is where he felt that maybe the media should be excluded for the time being, for that day and then bring them back in the next day which I fully agree with. I think it would strengthen all of our arguments not to throw it open for the various interpretations of what we have to say. Just to the media. That is the kind of thing that I am afraid of in allowing the media or the press coverage at this point in time. I just wanted to also backup arguments of or statements of George and that is the things that have driven us apart over the number of years, us being everybody in the North, and that was, one of them was at one point in time where we were arguing the point of development in the North, businesses. We have all had the experience here just this last summer here in Yellowknife where a committee of Northern businessmen was established because they felt that they were not included in activities that were going on in Norman Wells. This is just a small example. Now from day 1 both the Dene nation and the Metis association were seen as obstructions to development, where we were arguing that we did not want meaningless development. What we were after was meaningful development and I think this kind of an argument at this point in time in relation to our future constitutional and political is something

in that light right now. Everybody is afraid of the native position on future government. We do not want to drag it into the same light as what happened when we were arguing against development when we were accused of obstructionists and yet a committee of Northern business some time later faced the same the very same problems that we were faced with, and that is being not being involved in the activities that went on in the Norman Wells and that is why they were formed. The exact arguments that committee of Northern businesses made was the exact arguments that we were making when we did not allow, or were reluctant to allow the development to proceed. Now based on those various reasons and at first the media took part and played a role in it from day 1 and as they will now and before we get into that situation where we are going to be at each others throats in public in the papers, on TV, I think we should have a frank and open discussion among ourselves first. I know that we have stated that we have not had the opportunity to go into detail well that still is true. What we intend to do is share all these papers that you brought forward with our own people in the various forums that we have or can put in place and try to come up with, a, what is best for everyone and for the whole, looking at all the papers; Yellowknife's paper, Pine Point or wherever, and at this stage of the game I think we should not be afraid of going in camera just for the one day and come back and if there is any strong positions for the time being then we could make that known.

MR. SIBBESTON: Thank you Mr. Stevenson. Let us give Gerry Antoine a chance to talk and then Mr. Ballantyne.

MR. ANTOINE: With the different statements that have been presented here in regards to what we should talk about tomorrow I have to agree with Mrs. Sorensen in regards to this session as a learning experience and that since most of these presentations are in the form ofbooklets and looking at the public in general in the Northwest Territories there are people that are illiterate ,and half the people are literate ,and it is an advantage or well I guess it is an advantage to the people who can read and write. I am just more or less concerned with the people that did not have the opportunity to learn how to read or write but what these booklets that have been presented are views or perspectives from permanent residents and non permanent residents may they be Dene or non Dene and I think that I have to agree with what has been said here so far in regards to having an in camera session because this is a learning experience and I think that as Northerners may we be permanent residents or non permanent residents I think we can all sit together as responsible leaders, I guess ,to come down and show our people that we can sit down together and come up with all our fears and all our common ground ,that we can come up with and go home and present these different recommendations to them because what I have in mind with regards to coming out of this Assembly here is probably going to a regional assembly and saying this is the constitutional conference I went to and there are the recommendations that the permanent residents and the non permanent residents have presented and have agreed with and this would be sort of the package I hope that I could go back to their regional assembly with so that they

really could approve of it if there is any changes that they can make I could come back to another conference or another delegation can come to the next conference with some improvement of what this Assembly would recommend here so I would like to suggest again that I support the in camera session.

MR. SIBBESTON: Okay Mr. Ballantyne and then Mr. McBryan and then maybe we can try to get agreement on what can be done after that in terms of motions or whatever.

MR. BALLANTYNE: Mr. Chairman I would like to emphasize one thing ,is that my major concern, I think also Mr. Erasmus concern ,is that what happens so many times, what happened in the last conference when all the press were here, people did not always say exactly what they thought and what happens, you tend to talk in generalities and so at the end of it it sounds very nice that we are making some progress The reality is we are at a point now where there are obvious divergence of opinions. Now these people who are here are prepared to get up, stand and be counted and say where they stand, I have no problem with doing it publically. We have not done, we have not tried it before sitting letting our hair down private. It might be a good tool to do it, but as long as everybody here is aware that if we are going to be public then we also have to be very very honest. My second point is that as far as discussing the position of the 8th Assembly I am not interested in the position of the 8th Assembly. I am interested in what Pine Point and Fort Smith feel good about, that is what I am interested in. I would like to develop that because there are things in that I do not agree with but there are logical things in there that they agree with. Sure lets hear it ; what parts of it?But I do not

want to go through a point by point discussion of something from 4 years ago, and there are 4 or 5 or 6 or 8 points that they like, they should be incorporated in their discussions, so one, I am prepared to go in camera or if we are going to do it publicly okay, lets be honest though because we are at that point now.

MR. SIBBESTON: Mr.McBryan.

MR. McBRYAN: Thank you Mr. Chairman. I just have a small remark I would like to make. I would like to concur with George's statement that we stay an open discussion. I am not in favour of the bright lights simply because they annoy me. They do not bother me in television, but that they are glaring in your face. If there was any other way to have it, I would not mind. As far as the press being here I have no objections to the press whatsoever. Anything I have got to say I will say it here. I was at public meetings before and I have been making my statements known so lets have the press and lets not go into camera. I do not like a camera meeting and I concur that we should take the position papers of the Dene nation and the Yellowknife and any other papers we have, and I have a paper here that has certain comments I would like to make known and I am prepared to make them known and I think that closing the door is no means of getting the communication across the north of what we are trying to do for our constituents in the back, so I am all in favour of a definitely open meeting. If the TV wants to be here, if they have another way of doing it besides those lights, fair enough, it is just the lights that bother me.

MR. SIBBESTON: Ladies and gentlemen, thank you. Can I, do I understand that there is consensus about all of us returning here tomorrow. Can people indicate if this is what they wish to do firstly. We will take it step by step in one big group as opposed to

workshops. Okay there is general consensus then. Now about the media.

MR. MacQUARRIE: Yes Mr. Chairman, one practical thing that must be considered is that you have to go all the way or none of the way, you cannot go part way. There is no way, I do not think, that we could say that we are going to have a meeting tomorrow that is open to the public, but then, is people want to pop in, but then say that the press they will come as they will be entitled to as members of the public, and then what they did after that would be their business. So I do not think it can be, you know, it has to be fully one way or the other. I fully support having the press here. I think you know, we are in the final analysis. The fact that we have come together indicates that we want to try to resolve a very difficult and very complex question and we have come together in good will and I think the press and the rest of the people of the NWT would understand if in trying to do it we get into hassles, we get angry with one another once in a while, or simply cannot accept somebody elses position, but if that is the reality of the situation I do not think there is any harm in that happening, and because in all of us doing it we really believe and hope that at the end of the process we will have come to something that all of us can accept and be proud of. So, it is just understood that this journey has some difficulties and I think the press will accept that too. I really urge members to keep it open.

MR. SIBBESTON: Mr. Lamb and then Mrs. Robinson

MR. LAMB: I am certainly in agreement with the press being here and in regard to the TV cameras, I have been at several gatherings where the TV camera had portable lights with them and they did not have a general high level of light and the only individual who

F-1

is subject to the lights was the area being photographed. Perhaps that could be arranged so we could have that coverage.

MR. SIBBESTON: Thank you. Mrs. Robinson.

MRS. ROBINSON: .....I would suggest that we not have television lights but have the rest of the media in.

MR. SIBBESTON: Can I try to get the feelings of delegates in on the media. Could we perhaps deal with one at a time? Is that a practical way? First the television and then any other form of media. All those indicating a continuation of TV coverage particularly with the bright lights please indicate by raising your hand. There is one. All those opposed. Pardon me, two. All those opposed to TV with its bright lights as we had today. Okay then there is a general feeling that they TV cameras should not be in here today with the bright lights. What about the idea of having them come in periodically with more local lights simply shining in the area that they are photographing. What are peoples feelings on that? Are people in favour of that approach? Please indicate by raising your hand if that is acceptable. Raise your hand so I can count. Okay all those against that. Okay it is generally agreed that the TV cameras could continue but with local lights. Now can I see what the feelings is then about the rest of the media. All those in favour of having any other media here tomorrow please indicate by raising your hand? All those against any other media as stated please raise your hands? It is generally agreed that the media could continue. Mr. Jaque.

MR. JAQUE : Mr. Chairman just a suggestion of a way to approach tomorrow. One of the things that we do not seem to do enough of in the Northwest Territories is to work from a common ground. I would

suggest that tomorrow morning we dedicate to finding a common ground, and after that we could possibly at that point break into working groups and single out some particular items from some of the major papers that are contentious. I think we have a good opportunity to do something like that because we have a pretty well traditionalist point of view coming from the city of Yellowknife and we have the Denedeh proposal being quite a departure from that, so we have quite a spectrum there to work towards a middle ground and find innovations from all sources as well as many of the others that have been brought up that we can apply to something and perhaps that is where this scrapping would come in and that would be something on the third day that we could come up with accomplishments from.

MR. SIBBESTON: Is there anything further to that? It would be fair for me to say that the consensus is that we continue tomorrow as one large group and not consider breaking up into workshops. We have agreed? There has been a vote on that so Mr. Jaque I would have to say that there seems to be a consensus that simply meeting as a large group tomorrow.

MR. JAQUE: Okay but at the same time I think it might be worth considering to start with points that are in agreement with everyone. Lets start with that tomorrow morning and find the common ground and I think that as we are developing that then it will enhance our further discussions and it will not detract from antagonism further down the road.

MR. SIBBESTON: Can I suggest that as we reach that stage tomorrow if we feel it is appropriate you could raise that idea but for the time being we would have I think the general thinking is we ought to certainly start the day as one large group and see how far we go.

MR. JAQUE : I was suggesting that would be done as a large group. We go through the different presentations that have been made and single out the points that everyone is in agreement with. Surely we must leave this conference with some thing that everyone is in agreement with.

MR. SIBBESTON: That there must someday be a government in the North. We are all in agreement with that. I have before you delegates topics for discussion which I have had drafted by the secretary and it is in front of you. It is simply draft of course and open to any additions, deletions. Can I just say something in terms of how I see things proceeding tomorrow. As I see this constitutional Conference, it is essentially a meeting of people talking about constitution for the future and on the one end of the spectrum there are those who are very happy with this present style and system of government and which system would evolve naturally to a typical province in the South. If nobody said anything other than wanting more democracy, if eventually we would become like Alberta. We might even have the same type of a legislature instead of one that looks like a teepee, igloo or a shack or a trailer and so forth and all the trappings that you see in Alberta would exist here in the North. On the other side on the other end of the rainbow or the spectrum are native people who have come forward with

written ideas about government and so the discussion I take it is between people who have different ideas about the type of government that ought to be instituted here in the north, and if tomorrow we are going to get into some of the aspects of the future government, I am just wondering would there be some merit in having someone, an independant state to us what would occur if northerners did not say anything on a particular subject, lets say the Legislature or the Executive or the Commissioner's role. If we could maybe have someone to tell us what would happen if northerners did not say anything. What is the natural progression of this government that we are involved in now, the NWT government and then once we know that we could use that as a benchmark and could use that as a possible form possibility and then we could have someone else perhaps from the Dene nation who have ideas about this particular aspect of government indicate the feature that they wish to have incorporated into the system. In this way, you would get an idea of what would have happened if nobody said anything in the north except wanting more democracy; and then you would know a large portion of the north who obviously want and have some ideas about the form of government that should be in the north in the future, this type of exercise could prove useful. The alternative is simply to go down the list of points that we have identified as being the 10 or 11 most contentious issues in any future form of government and rearranging these tomorrow morning into those that people want to discuss. So these are just ideas that I throw out as a possible approach tomorrow. Mr. McBryan.

MR. McBRYAN: Mr. Chairman, I do not think the people of today would sit back and say nothing anymore in the Northwest Territories.

Years ago in the forties you had an administrator in the Mackenzie and you said nothing. That day has gone. I think today people will continue to want to be heard and participate so I do not think that you would have any fears of the people not saying anything in the future.

MR. SIBBESTON: Mrs. Sorensen.

MRS. SORENSEN: Nick are you suggesting that we should pull in someone who is very familiar with a provincial structure to give us an outline of the powers, responsibility and political elements of a province so that all of us start with the basic understanding of what a provincial structure in the Southern part is all about?

MR. SIBBESTON: As I see it, the constitutional paper that was produced by the 8th Assembly, for instance, that paper is a paper that sets out the path of things that ough' to be done if the North is to become a province. In the traditional sense as we know it in Canada so that gives us a bit of a base or point that we know would happen if Northerners did not want any changes at all to the present form of government. So I am suggesting let us have someone independant from all of us here perhaps somebody from the aboriginal rights group or anyone else anyone could suggest it, or else to say that if Northerners simply stood up and wanted more democratic government what would likely happen. Would as an example we would evolve towards getting rid of the Commissioner, we would evolve towards the legislative assembly having more powers, we would evolve eventually to having a legislature something like Alberta or Saskatchewan, and so forth and the powers that would be given to the North and set that against some of the ideas that have been advanced by the Dene nation and Metis Association as to, I take it I take that as unique Northern features that they wish to add it to the government, and this may help us in finding a middle of the road

path and perhaps some agreement on the issues. It is just an idea. Mrs. Sorensen.

MRS. SORENSEN: Well Mr. Chairman I think that is probably a very good idea because it gives us the focus of what a provincial structure is and then how we wish to modify that structure, because I think everybody around this table wants responsible government and wants provincial type responsibility. Now there will be some modifications of that in terms of what the Federal government is willing to give up in terms of resources but I see that as a very good suggestion and certainly Mr. Braden who is a political scientist could do it. Certainly the experts that we have in the aboriginal and constitutional rights secretariat could do it. It is a matter of outlining for us in a paper, perhaps up on a screen those elements that are important to the provincial structure and then taking them and breaking them down.

MR. SIBBESTON: Mr. Braden.

MR. BRADEN: Thank you Mr. Chairman. I am sure that I can arrange to have some people here tomorrow who can explain very quickly how a provincial jurisdiction is established, where its powers are contained and what kind of flexibility a provincial institution has to make decisions that are reflective of a particular jurisdiction and perhaps the other side of the coin is maybe there is a lot more flexibility in continuing to be a Territory under a Federal jurisdiction in certain areas. That is all. I will arrange to have some people here to speak on that subject at sometime tomorrow. Thank you.

MR. SIBBESTON: Is it agreed that we adopt this approach tomorrow? We could perhaps have someone as George indicated and perhaps a big chalkboard right up here and somebody could give us a quick crash course on what we would look like if we were to become a province; if nobody said boo but simply wanted more democracy in the north here. Something like it looks like in Alberta or Saskatchewan without any unique northern feature at all to it, and then we will start dealing with the features that we as northerners want added to a typical, what would be a typical type government, so we will see if we can arrange a blackboard here tomorrow, chalk and someone to give us a bit of a course and he can begin instructing us on each aspect of government and then go from there. Mr. Jaque.

MR. JAQUE : Well, while we are going through that exercise, why do we not have our experts tell us the shortcomings of the provincial style of government and at the same time have someone analyze the Denendeh proposal and look at the potential shortcomings of that.

MR. SIBBESTON: Sure. I am sure that could be done.

MR. JAQUE : I would hate to be in that experts shoes.

MR. SIBBESTON: Okay, is there agreement that we proceed on this basis tomorrow? Okay, shall we convene for the night? Everybody behave themselves and start tomorrow again at 9:30. Thank you. Good evening.

DAY TWO -- September 15th

MR. SIBBESTON: Ladies and gentlemen. It appears we have a quorum now and I would like to have the conference begin. I would like to first recognize Vince Steen who has come amongst us from Tuktoyaktuk. Vince. One matter that I would like to bring forward before the delegates is the matter of the television lights. Despite the decision that was made by the delegates here to not have bright TV lights I have been approached by the CBC asking me to inquire again of the delegates as to whether they would object to TV lights but being much higher and further away from the delegates here. So I said I would at least ask the delegates as to what they thought about it and can I simply ask the CBC to put on a light and see what the reaction is to it. I appreciate there was a decision to exclude them completely yesterday except of the lights of a local nature, but CBC is quite interested in continuing to film the proceedings with the idea of maybe making a program for all the people of the north to see in the next few weeks, so I would like to hear your reactions again and the best way to see if you still find them offensive to have the CBC put the lights on for the moment. It is apparently agreed.... so what is the feeling of the delegates as to these lights? Do they still find them offensive and want them turned off? We will suggest to them that as long as they make sure that everybody gets into the film so that everybody can be seen in the north. Mr. Bonnetrouge.

MR. BONNETROUGE: Yes, Nick, could at some point in time during the day if the lights are going to remain on, could the temperature in this room be checked? It gets unbearable.

MR. SIBBESTON: Yes we will do our best to lower the temperature. I have had a simple discussion with the CBC and the camera light people, and they say that during the times when they are not

filming they would be prepared to shut them off. On this basis is it agreed by the people that the lights continue? Okay then the lights can continue then. I would like to ask Mr. Braden to introduce a gentleman who is here before us.

MR. BRADEN: Thank you Mr. Chairman. In accordance with the request made towards the end of yesterday's proceedings I have my deputy minister of justice Mr.Stien Lal to present to the conference a short paper of which you all have a copy that draws a comparison between provincial and territorial powers and provides some examples as well of where changes would have to made if we were to proceed in our constitutional evolution towards what is generally the case in Canada today of provincial level. I have no doubts that there will be questions arising from this particular presentation, and Mr. Lal and I have other legal counsel here and officials from the Territorial government who could provide responses as required. Okay?

MR. SIBBESTON: So welcome Mr. Lal and we ask that you proceed.

MR. LAL: Mr. Chairman and delegates, I have been asked by you to present to you this morning a brief on how a provincial type government operates and to compare it with the operation of the Territorial government. In order to do so I propose to address specific areas relating to the two types of government to illustrate the similarities and the differences between them. I will attempt to keep my presentation as uncomplicated as possible so that those differences and similarities may be easily recognized by all concerned. It is a well

established principle that a democratic government of the type that we are familiar with in the Western world functions through three distinct separate arms. These are the legislative arm through which the legislator function is carried out, the executive arm through which the executive and administrators function is performed, and the judicial arm through which the legal and court system of the government operates. For the purposes of this morning's discussion it will only be necessary to compare the workings of the legislative and executive arms of provincial and territorial governments. The constitutional origin of the provinces lies in an act of the British parliament which until recently was called the British North America Act in 1867. After the passage of the Canada act 1982 that act is called the Constitution Act 1867. In 1867 it was agreed by the founding provinces of Canada and the Federal government to divide the various legislative powers between the provinces and the federal government. In 1871 the Federal parliament was given the power to create new provinces out of existing territories. This power for example was used by the Federal parliament in 1905 when it established the provinces of Saskatchewan and Alberta. The Constitution Act 1867 specifies the distribution of legislative powers between the Federal government and the Provincial governments. Section 91 of the Constitution Act 1867 sets out those areas in which the Federal government has exclusive legislative power while section 92 of the Act deals with those areas in which the Provincial governments may exclusively make laws. A list of the classes of those areas is attached to the brief as appendix A. In addition to the enumeration of Provincial legislative powers the Constitution Act 1867

provides for executive power. Section 58 of that Act reads as follows "for each province there shall be an officer styled the Lt. Governor appointed by the Governor in Council by instrument under the great seal of Canada". The powers of the Lt. Governor are not clearly defined in the Constitution Act 1867. In fact today most executive functions in the provinces are performed by the provincial Premier who is the leader of the party with the majority of seats in the Provincial Legislature. The provincial Premier appoints a cabinet from among those elected members of his party and it is upon the advice of the Premier and the Cabinet the Lt. Governor relies. Despite the fact that the Lt. Governor has the right to withold the assent from bills, this is rarely , if ever done and the Lt. Governor's role has taken on more of a ceremonial role than that of an executive in the true sense. The executive arm of the Northwest Territories on the other hand takes the form of an Executive Committee, consisting of 7 elected and 2 appointed members. The Commissioner and the Deputy Commissioner are the appointed members of the committee and the Commissioner chairs it. The Northwest Territories Act which is the instrument of delegation of Federal authority to the Territories, provides that the Commissioner shall be the Chief Executive Officer of the Northwest Territories and he shall administer the government of the Territory under instructions from time to time given by the Governor in Council or the Minister of Indian and Northern Affairs

Despite the restrictive wording of the provisions in the Northwest Territories Act, in reality, the Executive function in the Territories is now evolved to a point where in most matters the Commissioner acts with the advice of the Executive Committee. The members of the Legislative Assembly have elected one of them to be the leader of the elected members of the Executive Committee. Unlike the provinces however, at present the elected members of the Executive Committee are not members of a political party having a majority of seats in the Legislature. The Executive Committee members must therefore seek the concurrance and consensus of the members of the Legislative Assembly on all matters of prime importance to the government. The Territories do not derive legislative authority from any constitution acts as do the provinces. On the contrary, the Parliament of Canada has been given specific authority to govern the Territories. This authority is contained in section 4 of the Constitution Act 1871 which reads as follows "the Parliament of Canada may from time to time make provision for the administration, peace, order and good government of any territory not for the time being included in any province. The Parliament of Canada is exercising this authority by delegating it to the government of the Northwest Territories". This delegation is done through the passage of an act of Parliament called the Northwest Territories Act. The Northwest Territories Act sets up the perimeters of such delegation. Section 13 of the Northwest Territories Act enumerates a list of legislative powers available to the Northwest Territories and these are set out in appendix B. It is important however, to note the opening words of section 13 which reads as follows "the Commissioner and the council may subject to this act and any other act of the Parliament of

Canada make ordinances for the government of the Territories in relation to the following classes of subject, namely, and then there follows a list of those classes. By making the legislature areas available to the Territories subject to any other act of Parliament, the Northwest Territories Act does not give the Territorial government the same exclusive right to legislate in its defined areas as that given to the provinces under section 92 of the Constitution Act 1867. An example of such a situation is the area of labour relations. The Parliament of Canada has passed the Canada Labour code part 5 of which deals with industrial relations and the establishment of a labour relations board. As a result, even though it could be said that labour relations in the Territories are a matter of a local or private nature, in the Territories, which is a category found in under section 13 of the NWT Act the Territorial government is precluded from enacting any labour relations legislation because the Federal government has already legislated in that field. It is perhaps useful now to compare the provisions of section 92 of the Constitution Act 1867, dealing with the legislative power of the provinces and those legislative powers of the Territories under section 13 of the NWT Act. The two most striking differences between the legislative powers of the Territories and the provinces are the power of the provinces to amend the constitution and the management and sale of public lands. Section 45 of our new constitution has replaced the former class one of section 92 of the Constitution Act 1867 but the effect is the same. Section 45 of the Constitution Act 1982 provides that each province may exclusively make laws amending the constitution

of the provinces. The constitution of the Northwest Territories is the NWT Act and as previously pointed out, it is a Federal statute and as such only the Parliament of Canada can amend that statute. The Territories therefore does not have an autonomy in this area. Class 5 of section 92 of the Constitution Act 1867 deals with the sale and management of public lands. There is again no similar section in the Northwest Territories Act and most land in the Territories is vested in Her Majesty the Queen in the right of Canada. The Territorial Lands Act, another federal statute, provides that the Governor in Council may authorize the sale, lease or other disposition of Territorial lands so that unlike a province the Territories does not have the power to deal with all the lands within its boundaries. This is a vital difference when one thinks of non renewable resources for example. There are several other areas where the power of the Territories is not the same as that of the provinces. A province is allowed to borrow money on its sole credit while the Northwest Territories power to borrow is subject to the approval of the Governor in Council. As well, the power of the territories to incorporate companies is restricted so that companies with certain objects such as telephone or air transport cannot be incorporated pursuant to a Territorial Ordinance. As and when the Territories are ready to evolve to provincehood, it will be necessary to amend the Constitution of Canada to include the Territories as a province. In accordance with section 42 of the Constitution Act 1982, it will be necessary to obtain the consent of the Parliament of Canada and the Legislative Assemblies of at least two thirds of the provinces that have in total at least 50% of the population of all the provinces. If there is no remaining territory left the NWT

Act would become redundant and would have to be repealed. This Mr. Chairman is, in short, a comparison of the operation of provincial and Territorial governments in respect to the legislative and executive arms. I trust that this brief will assist the conference delegates in their important deliberations. I would be happy to attempt to answer any questions the delegates may have, thank you Mr. Chairman.

MR. SIBBESTON: Are there any questions of Mr. Lal? Mr. Watsyk.

MR. WATSYK: The end of your presentation, appendix B, legislative powers of the Commissioner in Council. Item #B agriculture. Now you mentioned that the Territorial council does have jurisdiction over some lands, the Commissioner's lands I believe they are known as; within those Commissioner's lands, does the Territorial Council have free, full right to establish an agricultural policy?

MR. LAL: Thank you Mr. Chairman. The class agriculture in my view, authorizes the Territorial government or Territorial legislature to make laws in respect of agriculture, therefore the for example, the Territorial government would be within its rights to make legislation in respect of the standards to be followed by parties engaged in agriculture or the conditions under which such agriculture may take place. As far as direct relationship to the land is concerned, even Commissioner's land still continues to be land vested in Her Majesty. Commissioner's land, is land over which the Commissioner has been given the authority of lease, sale, purchases etc. but the titles still remains vested in Her Majesty in right of Canada and I would add that there is contrary Federal legislation dealing with territorial land and tied to agriculture

that legislation would supersede the territorial legislation.

MR. SIBBESTON: Are there any other questions? Mr. McLaughlin.

MR. McLAUGHLIN: Thank you Mr. Chairman. Perhaps Mr. Lal could advise us in the area of constitution acts; what specifically was done by for the provinces of Alberta or Saskatchewan when they left the Northwest Territories to become a province? What mechanism took place as far as the Legislative Assembly that existed then? What exactly did they do and following that, once they received the permission of the Federal government, what exactly did they have to do to arrange for their form of government that they have now?

MR. SIBBESTON: Mr. Lal.

MR. LAL: Thank you very much. Mr. Chairman, it is my understanding that both the Northwest Territories Legislature at the time passed several resolutions petitioning the Parliament of Canada and indeed the Parliament in Westminister, seeking provincial status. As and when such provincial status was agreed to be given to those parts of the Northwest Territories, which then later became Alberta and Saskatchewan, British statutes were passed. They were called the Alberta Act and the Saskatchewan Act, under which the provincial governments were established.

MR. SIBBESTON: Mr. McLaughlin.

MR. McLAUGHLIN: The other part of my question was the exact style of government and the form, did the people get together and actually have a constitution? In other words, do provinces have constitution acts? You said that provinces can have constitution acts. I know lots of provinces have passed bills of rights but do they actually have constitutions under themselves?

MR. LAL: Mr. Chairman, the Alberta Act and the Saskatchewan Act would be their constitution. And they would have the

right to amend them now.

MR. SIBBESTON: Mr. Lal, I do not know how much history you know about the way in which these provinces became provinces as we know them today, but did they happen by simply writing nice letters to Ottawa or England, or just do you know some history about the struggle, as it were that took place before they eventually became a province? What was the process? Did they have any constitutional conferences like we had?

MR. LAL: Mr. Chairman, it took more than just writing letters and passing resolutions. It meant travelling to Ottawa, it meant travelling to Westminister and it meant many constitutional conferences as well and continued pressure on the Federal government to recognize them as provinces. Mr. Chairman, I would just like to correct the record. The Alberta Act and the Saskatchewan Act were acts of the Canadian Parliament not the British Parliament pursuant to the authority given to the Federal Parliament under the 1871 Constitution Act to create those statutes.

MR. SIBBESTON: Mr. Erasmus.

MR. ERASMUS: In the new Canadian Constitution, the provinces now have a role if the NWT or the Yukon are going to be created into provinces. What would take place now even though the Federal Parliament used to create provinces by itself we now have a situation where the provinces are going to play a role. Will this mean that each Legislative Assembly has to confirm in their own assemblies the creation of new provinces in the north or will it mean there will be a Constitutional

Conference and they will agree and the Federal House will deal with this by itself? It seems to me, it is an important question. It seems that we would have to have all of the Legislative Assemblies involved. Is this the case?

MR. LAL: Mr. Chairman, prior to the enactment of the Constitution Act 1982 there was a clear power vested in the Federal Parliament by virtue of the Constitution Act 1871 which gave sole and exclusive authority to the Parliament of Canada to create new provinces out of existing territories. However, with the passage of the Canada Act and Constitution Act 1982 another provision has been added to our constitution altering or amending that process, and that is contained in section 42 of the Constitution Act; and I will just read the relevant provision, it reads "an amendment to the Constitution of Canada in relation to the following matters may be made only in accordance with sub section 38-1" and in that category is listed the following; "not withstanding any other law or practice the establishment of new provinces". Section 38 to which a reference was made under section 42 states that in order for a province to be established from a territory it will be necessary to have resolutions of the Senate, that is the Federal Senate and the House of Commons and resolutions of the Legislative Assembly of at least two thirds of the provinces that have in the aggregate according to the then latest general census at least 50% of the population of the provinces. So in response to Mr. Erasmus' question, I would see the process as being one where if there is substantial agreement between the territory and the Federal government, the Federal government would then adopt those resolutions in the Senate and the House of Commons and those resolutions would then have to be similarly adopted in two thirds of the Legislative Assemblies of Canada before the territory could become a province. It

is a long and a difficult process.

MR. SIBBESTON: Thank you. Mr. MacQuarrie.

MR. MacQUARRIE: Would it be your opinion though Mr. Lal, that quite apart from any need that the Federal government might feel to consult the provinces in this regard that there would be no legal requirement if in the territories we were dealing with matters in respect of the adjustment of boundary between or in the existing territory or dealing with matters with regard to the style and shape of government within the territories that legally there is no consent needed from the provinces in order to be able to do that? Is that correct or not?

MR. LAL: Mr. Chairman, the Federal government still continues to enjoy exclusive authority over the territories and therefore any adjustment of boundaries within the Northwest Territories or indeed any amendment to the Northwest Territories Act which is the constitution of the territories would fall within the sole prerogativeof the Parliament of Canada and legally there would be no obligation in my opinion for the Government of Canada to seek the concurrence or even the consultation of the provinces.

MR. SIBBESTON: Thank you. Mr. Erasmus.

MR. ERASMUS: At what point if we are going along and getting power by power to the two territorial governments up here and we are creating by increment a province at what point do the provinces interfere and say you are creating a province up there? Alberta and Saskatchewan were created as provinces even though they did not control their resources. At what point can the provinces say hold on here, we

have some business in this matter?

MR. LAL: I would say Mr. Chairman, the critical point would be when the Parliament of Canada seeks to give the territories authority that is identical to the provinces and seeks to remove the delegation aspect of the power and to say to the territories that they have defacto provincial powers. Those powers would become a reality only through an amendment of the Constitution Act 1982 and would therefore require concurrence of the provinces, but anything short of that such as a defacto provincial status would perhaps trigger a reaction in the provinces.

MR. ERASMUS: We now have an executive of appointed people from Ottawa and some elected people, but in actual fact the power of that executive comes from the Commissioner and the Deputy Commissioner. What would happen if we were on a course of amending the NWT Act so that all of the powers that the present executive now have would actually be transferred over to the elected assembly and it would not be a situation where you actually have delegated authority anymore but you actually have transferred authority and you have transferred over education etc?

MR. LAL: Mr. Chairman, from the little bit of constitutional history I know there has always been an evolution of political evolution before law catches up and I say that as a lawyer and lawyers tend to be quite reactionary and quite late in changing laws to recognize the political situation therefore I would see it first step where there would be sufficient political evolution giving authority to elected executive members to carry out most of the functions to a point where the law would become redundant or ridiculous and at that stage the Parliament of Canada may wish to amend the NWT Act. To answer Mr. Erasmus' questions specifically I see no impediment in the Federal parliament amending

the NWT Act to give full autonomy and authority to elected members as long as they continue to remain a territory and as long as they are not seeking an amendment to the Constitution of Canada.

MR. SIBBESTON: Mr.Lal,do you have any further in this regard,do you have any knowledge of the way the Yukon moved a step ahead as it were to have the role of the Commissioner reduced?

MR. LAL: It is my understanding Mr. Chairman that also took the form of political and constitutional evolution and they just ignored the law,and the statute is still the same as the NWT Act, there has not been an amendment to the Yukon Act but for all practical purposes they are carrying out a cabinet or an executive system where elected members have most of the powers.

MR. SIBBESTON: Would it be fair to say,I think as you mentioned,that the Yukon Act in respect of the powers of the Commissioner are precisely the same as that of the Northwest Territories so technically and legally it is the Commissioner in the Yukon that would have the Chief Executive powers but practically and on a day to day basis it is the Mr. Pearson and the elected people that run the government? As I understand, it, they the day to day process that is involved was at one point when the elected people decided to take greater control of the government of the Yukon they simply excluded the Commissioner from any more executive committee meetings so there comes a day when I suppose Mr. Braden and the executive members here could simply just decide to take things in their hands and say Mr. Commissioner you are no longer allowed in our meetings to make executive decisions. In a sense take away his office, do not let him come into any meetings and stuff like that. Would you say that was the type of thing that happened in the

Yukon as far as you know.?

MR. LAL: Mr. Chairman, I do not have the first hand nor indeed the second hand knowledge of exactly how it happened, but certainly the scenario that you have described would be the kind of thing that took place in the sense that the Commissioner was excluded from the meetings of the Executive Committee and the leader of the elected executive members assumed a role which was which grew stronger and more powerful every day so that he is now a defacto premier.

MR. SIBBESTON: Mr. MacQuarrie and Mr. Jaque.

MR. MacQUARRIE: Yes with respect to the point that is being made as I read the history of Canada anyway there is no doubt that a process of achieving responsible government has always been attained before the final step to autonomy. That was even the case for the establishment of the government of Canada, so would you agree that in the Northwest Territories very significant and broad changes can be made in the nature of the government and so on, so long as those are always statutory changes and that the provinces could only become involved once you attempt to give the government your constitutional authority similar to what the provinces have? That is the only point at which they legally could have a concern under the new constitution.

MR. LAL: Mr. Chairman there is no doubt that the Federal parliament and the Federal parliament alone has exclusive jurisdiction over the Northwest Territories and what it does for the administration, peace and good government of the Northwest Territories is the sole business of the Federal parliament. The provinces can only get involved as and when the constitution is amended to give provincial recognition to the Territories. If the provinces wish to interfere into that authority of the Federal parliament they can only do so by

amending the constitution and would have to go through a similar process seeking the concurrence and consent of the Federal parliament before they could do so and presumably the Federal parliament would not give such concurrence.

MR. SIBBESTON: Mr. Jaque.

MR. JAQUE.: Thank you Mr. Chairman. Sir it would seem that with the inclusion of the section in the constitution that involves the provinces in the development of a new province that the Federal government is making the process of a territory attaining provincial status more difficult. It would seem also with the such recent legislation such as the Oil and Gas Act Bill C148 I believe that there is legislation being put into place that entrenches more and more the involvement of the administrative participation of the Federal government in the Northwest Territories. Is that observation correct that the Federal government is indeed making the process towards provincial status of the Territories more difficult and secondly in your knowledge is there any other recent Federal legislation in that direction?

MR. LAL: Mr. Chairman, I of course cannot speak with what the purpose of the intent of the Federal parliament is but I certainly would agree with the gentleman who asked the question that it definitely does make it more difficult, much much more difficult for a Territory to become a province after 1982 than it did prior to 1982 in that you would need the concurrence of not only the Federal parliament but you would need the concurrence of seven of the 10 provinces. The passage of Bill C48 again I would agree with what would seem to indicate that the Federal parliament is ensuring that its grip over Territorial land is not in any way loosened and that it continues to retain exclusive authority over oil and gas exploration in that area. Thank you.

MR. SIBBESTON: Mr. Stewart.

MR. STEWART: Thank you Mr. Chairman. Inasmuch as aboriginal rights are now part of the constitution any resulting boundaries that may be created in the Northwest Territories in settlement of these claims would they then become part of the business of the provinces ?

MR. LAL: Mr. Chairman, it is true that the constitution, has, contains two provisions giving recognition to aboriginal rights. I do not however feel that simply because boundaries have been determined on the basis of aboriginal rights would give the provinces authority to interfere into what is exclusively Federal jurisdiction.

MR. SIBBESTON: I believe what you are referring to is the fact that the Federal government still has jurisdiction over Indians and the Inuit and the native people in the North that fall under that Federal category of responsibility or jurisdiction. Right?

MR. LAL: I would go a step further than that Mr. Chairman. It is not just the Indian Act which is a Federal statute but that the very constitution of Canada which gives recognition to aboriginal rights and does not say for instance that provinces will be consulted whenever aboriginal rights are determined or the provinces will have a say before a final aboriginal rights settlement takes place in the Northwest Territories. The two, we are talking apples and oranges as the expression goes. The recognition of aboriginal rights is one thing and the territorial or physical jurisdiction over a certain area is quite another, and there is no doubt that the Federal government has the sole jurisdiction in that area.

MR. SIBBESTON: Mr.MacQuarrie again and then Mr. Erasmus.

MR. MacQUARRIE: Mr. Lal would it be your opinion that in view of the fact that lands and the management of lands are given to provinces as their jurisdiction, that any attempt on the part of the Federal government to transfer that jurisdiction to a government in the Territories whether or not it was done under the guise of establishing a province, that the provinces thereupon would have a legal case in the sense that they would insist that even though you are not saying it by doing that act you are in fact creating a province and would thereupon insist that they have the right to have a say in it? Would it be in your opinion that would be what would happen?

MR. LAL: Mr.MacQuarrie if I may just get that clarified just a little bit. You said provincial land being transferred or territorial land?

MR. MacQUARRIE: Lands that are now in the Territories but the Federal government giving them to the government of the Territory under the same legal authority that provinces now have over their lands.

MR. LAL: Again Mr. Chairman I would not see why the provinces would have any concern about what is done with the lands in the Northwest Territories. At present they are owned exclusively by Her Majesty in Right of Canada and that exclusive ownership would mean that Her Majesty can also transfer lands which She and She alone owns. Just like in the provinces land is owned by Her Majesty in Right of a Province the province alone has exclusive right of alienating that land.

MR. MacQUARRIE: So it is not your opinion that an attempt to do that would in the eyes of the provinces seem to be an

attempt to establish a province? The reason I say that is I think that they wanted that clause included in the constitution because they perhaps, and this is just speculation, but that they wanted to have some control over the future disposition of lands and resources and the control of money and that they would be inclined to argue that in fact by transferring lands to a Territorial government that the Federal government was establishing a province because those lands once transferred would not be reclaimable again by the Federal government would they? If constitutionally well if it is done under the statute then the statute could be changed again. Could you just comment just a little further? I just want to be very clear on that.

MR. LAL: Mr. Chairman the only reference that there is to Territorial land being ever affected by what is happening in the provinces would perhaps be paragraph 42 1E of the Constitution Act 1982 which gives the provinces the right to extend existing provinces into Territories. Therefore presumably they could argue with the Federal government that if you were for instance with due respect give away Fort Smith if the province of Alberta wanted to annex Fort Smith the fact that it is not in Federal hands would make it more difficult but there is nothing in the constitution which in any way specifically and clearly states that the Federal parliament does not have that authority. They may wish to have it, the provinces may wish to have it but it is not there.

MR. SIBBESTON: George.

MR. ERASMUS: The point that seems to be clarified and it might clear up a number of questions we are asking. According to the Canadian Constitution as so long as we have the status of a

Territory do we have only delegated power. Is that the reason why you can say that even if the Federal government decides to delegate the land the resources both renewable and non renewable, to a legislative assembly in the NWT, that the Federal government can always pull it back and it is not creating a province until it actually creates a separate jurisdiction a separate government a province that has its own jurisdiction which includes all of the same powers so we can continue to evolve as a territory the Federal government can continue to delegate all of its powers up here the same as if we were a province but we always have only delegated power? We legislate education, we legislate in public service etc. only as a body that has delegated powers and that is the distinction between a territory and a province and this is why we can get these powers and the day comes when the people of the North actually say we want our own jurisdiction. We do not want to have delegated power, we want to create our own constitution into the North. That is when the provinces will step in. Is this what you are actually saying?

MR. LAL: That is essentially correct Mr. Chairman. The authority to provide government in the Territories rests with the Parliament of Canada. That authority could be exercised in two ways; either the Parliament of Canada could pass all laws relating to education and schools and private and local matters or alternatively it could pass that authority on, delegate it that authority on to a Territorial legislature to say it is more convenient for you to pass these laws and you go ahead and pass them. The day we think that you are not acting responsible we may consider taking away some of those authority though I think it would be a very interesting legal question whether the Territorial

legislature is a mere delegate of the Federal parliament or whether by convention and constitutionally it is now so well entrenched that those powers could not be taken away from the Territorial legislature. In respect of land, the Federal parliament is already delegating its ownership and in respect of that land through the device of Commissioners Land for instance whereby it says while it will continue to retain ownership, the Commissioner would have the power to lease, sell, transfer that land which is a form of the delegation. As Mr. Erasmus says, the day parliament says "okay you have all the authority the provinces have and we want you to be an equal partner in Confederation the provinces will say, oh they are not in the constitution as a province, you have to amend the constitution" and that is when they will get involved.

MR. SIBBESTON: Mrs. Robinson.

MRS. ROBINSON: Yes what , couldyou explain to me the control of water within the Territories and under the present Federal jurisdiction and can we assume any control by merely taking it as we indicated in your former statements in other departments?

MR. LAL: Mr. Chairman there are two types of waters in the Northwest Territories. Inshore and offshore. The inland waters are governed by Federal statute called the Northern Inland Waters Act. The situation in respect of those waters would be the same as the example I gave for labour relations. The Federal parliament has a statute dealing with inland waters, Northern inland waters and as long as that statute is on the books the Territorial Legislature cannot pass any laws dealing with those inland waters. As far as offshore waters are concerned as we

all know there is a dispute going on between Newfoundland and the Government of Canada and British Columbia, and the Government of Canada as to who has full ownership and control over those waters. Traditionally, such waters are under federal jurisdiction, but until this question is decided by the courts I guess I cannot give you a definite answer on it. In respect of taking over powers, I would not suggest that you could simply take over control of Northern inland waters and ignore the law completely. To do so would be illegal and presumably the Federal government would enforce this legislation. Thank you.

MR. SIBBESTON: Mrs. Sorensen

MRS. SORENSEN: Thank you Mr. Chairman. I would like to talk for a minute on consensus government. The Minister Munro said a year ago in Whitehorse, that the Northwest Territories could obtain responsible government by 1985, responsible government I guess meaning fully elected Executive Committee with a type of Premier's position and a Commissioner whose position becomes similar to that of a provincial Lt. Governor. Now, he said we could obtain that by 1985, but there were certain things that probably should be in place, and one of those things he pointed to was political parties. Nowis there anything in law that dictates that a jurisdiction must have political parties before it obtains responsible government or is it merely convention or historical factors, and are you aware of any other Commonwealth countries that might operate now on consensus? I realize we are talking about a part of a country when we talk about the Northwest Territories, but are there any Commonwealth countries that operate along consensus lines as opposed to

a party system?

MR. LAL: No Mr. Chairman, to the best of my knowledge there is no law which requires that political parties be in a legislature before responsible government can come to an area. I therefore do not feel that in law the fact that the Northwest Territories does not have political parties is an impediment to responsible government coming to the Northwest Territories. However, historically and perhaps by convention that has been the model in most of the Westminister type of governments which are the type of governments that are followed by the Commonwealth. Most of the Commonwealth countries follow that party system; in some Commonwealth countries there are two parties and in some there are 15 and in some there is only one party. I am thinking, for instance, Tanzania, where President Nyerere felt that to have party systems would divide the people and that everybody should belong to one party. That is one point of view. You asked whether there were any governments that Commonwealth governments where a consensus type government operates. The only example that I can think of would be Western Samoa and the Marshall Islands. Perhaps they can have a consensus type of government. I am not 100% sure on how they operate. The city of Toronto for instance, operates by consensus and I am sure Toronto has more people than the Northwest Territories does. So it is not an impossible situation to operate as a consensus government. I am sure you have discovered that there are advantages and disadvantages to both systems.

MR. SIBBESTON: Okay, Mr. McBryan and then Mr. Steen.

MR. MCBRYAN: Thank you Mr. Chairman. I just have one question. In relating back to the comments made a little while ago, reference boundaries. Does the new constitution have provisions to allow provinces to extend their boundaries North? How would this province activate this provision ? In reference to your comment around Smith or something like that.

MR. LAL: Yes Mr. Chairman. The new constitution has the provision allowing for provinces to extend existing provinces into Territories. This is contained in paragraph 42 1E of the constitution Act 1982 and the process to be followed is identical to the process to be followed when a territory wants to become a province in that you would need the resolutions of the senate, the House of Commons and 2/3 of the Legislative Assemblies of the provinces. If that is achieved presumably territorial borders or provincial borders could be extended into the Territories. Thank you.

MR. SIBBESTON: Mr. Steen.

MR. STEEN : Mr. Chairman just for clarification here. I would like to ask the legal advisor on page 2 of highlights of the constitution. They say the right to vote an election of members between the House of Commons and a provincial native assembly, and then if you go to the other document here the Canadian Constitution it does not mention provincial it just says legislative assembly and I was wondering which is the correct wording?

MR. LAL: Mr. Chairman, the provision that Mr. Steen is referring to is section 3 of the Constitution Act 1982 which is contained in part one which is commonly referred to as the

Canadian Charter of Rights and Freedoms. It reads "every citizen of Canada has the right to vote in an election of members of the House of Commons or of the Legislative Assembly and to be qualified for membership therein." The highlights that Mr.Steen is referring to make mention to that right to being only in respect of provinces. I believe section 32 or 31, just give me a moment, it is section 30 Mr. Chairman which says " in reference in this charter to a province shall be deemed to include a reference to the Northwest Territories" therefore by virtue of that the same right applies to citizens who live in the Northwest Territories. They would have a right to vote for elections. Thank you.

MR. SIBBESTON: Mr. Blondin.

MR. BLONDIN: I would just like to ask one question and that is in regards to residency. What, in law, what is the extreme. There are several cases I think in progress right now that is questioning that. I am just asking what is the extreme right now.

MR. LAL: Mr. Chairman that is a very difficult question since the courts have not yet decided what is a reasonable residency requirement. Section one which gives, section one of the Constitution Act 1982 which gives all these democratic rights limits them or subjects them to and I will quote some legalese here " to such reasonable limits as prescribed by law as can be demonstrably justified in a free and democratic society." I do not think even lawyers know what that means at this stage so to answer your question whether let's say a five year residency requirement would be considered to be demonstrably justified in a free or democratic society would be a question that the courts would have to decide and if the courts were to decide that in the

special context of the Northwest Territories a three year residency period can be so justified, the courts would uphold it and if the courts felt that no, it could not justify it then they would not uphold it, so I really cannot answer it at this time.

MRS. ROBINSON: I understand that the Canada Election act says 6 months. How does that stand in your view?

MR. LAL: I would say a 6 month residency period would certainly stand a much better chance of being considered reasonably justified than a three year period, but, the two are quite different. We are talking about a Federal statute and a Northwest Territories elections ordinance or any other such provision in the Territories allowing for such elections to take place.

MRS. ROBINSON: I understood the Canada Elections Act takes precedence although in such instances.

MR. LAL: Mr. Chairman, the Canada Elections Act deals with Federal elections, the Territorial Elections Ordinance deals with Territorial elections. So the two can live side by side.

MR. SIBBESTON: Mr. Lal, can I just ask you a question? You have talked to us a little earlier about the various forms or functions of government and you referred to the Executive part of the government here, and you stated that the Commissioner is the Chief Executive Officer and indicated the practice, though that here in the north the elected people were increasingly taking roles. What about the Commissioner's role in respect of the Legislative Assembly? As northerners when the Legislative Assembly meets, one could get the picture that the Legislative Assembly, the elected people, are sitting together and making laws in respect of all the areas that they can; education, municipal

and so forth but this may be illusory in the sense that the Legislative Assembly alone cannot act. The Commissioner definitely has a role so could you just tell us what is the role of the Commissioner in respect of any legislation that can be passed? What is the role of the Commissioner in respect of simply ordinary legislation as opposed to money legislation? What is the role of the Commissioner in granting assent to any legislation that is passed? What is the role of the minister in respect of his disallowance power of any ordinance that are passed? What is the role of the Governor General? What are all the hoops or that the legislative Assembly must go through before any ordinances are properly passed and accepted?

MR. LAL: Mr. Chairman, I am speaking from memory here. Unfortunately I do not have a copy of the NWT Act but if my memory serves me correctly the opening words of the section 13 of the NWT Act say the Commissioner in Council may pass the following ordinances etc. The term Commissioner in Council is further defined in the NWT Act as the Commissioner acting with the advice and consent of the Territorial council which is the Legislative Assembly of the NWT. In strict law, that wording is quite similar to some of the provincial and Federal statutes. What it means in fact is that the Legislative Assembly considers a bill and passes it through its three stages including a committee stage, at which time it becomes read before assent. That process is quite similar to what happens in the provinces. When the bill has gone through its three stages it is ready to be assented to and the Commissioner has the authority to give the assent. Just like in a province the Lt. Governor has the authority to give the assent. The Lt. Governor by convention and perhaps to a degree by law would not unless there

were very, very, special circumstances refuse to give that assent. I would presume that in the NWT that we have evolved to such a stage where the Commissioner would also be very reluctant to refuse his assent to a bill that has been passed by an elected Legislative Assembly. There is however, one provision which could place the Commissioner in a very awkward situation which is the provision of the NWT Act which says that he shall act under the instructions of the Minister of Indian and Northern Affairs. Presumably, the Minister could instruct him not to give assent to a particular bill. If that happens, I would suggest that we would have a constitutional crisis on our hands because it would be a bill that has gone through the proper legislative process and should be really assented to. In history, instances like these have been the necessary trigger to get constitutional development or to get people thinking on constitutional terms. Once the bill has been assented to by the Commissioner, it becomes law and is called an ordinance. The NWT Act requires these ordinances then be sent to the Federal Parliament at which time they are tabled in the House of Commons. The purpose of tabling them is to allow the Federal Parliament to view that legislation and if necessary either override by passing contrary Federal legislation or to give the Federal Parliament the authority to disallow that legislation. The power of disallowance is again something that is retained by the Federal Parliament in respect of provincial statutes as well. Technically, the Parliament of Canada can disallow a statute passed by a provincial legislature. Historically it has not been done for many, many years, even in respect of the Northwest Territories and I would be very surprised if one of the ordinances of the NWT were disallowed and there was no reaction to it in the Territories.

You mentioned the question of money bills being passed. The Northwest Territories Act states that no funds of the Territorial government would be appropriated and no taxes etc. would be levied unless the Commissioner by message recommends the passage of those bills. There is I believe a similar provision for the provinces as well. The Commissioner can be the instrument of that recommendation provided that recommendation is in effect the recommendation of the Executive arm of the government, in other words the leader of the elected Executive for instance can instruct or can advise the Commissioner to make such a recommendation. The purpose of that particular recommendation is not so as to give the Commissioner strong overiding powers over the Legislative Assembly but more in recognition of the separation of the two arms, the Executive arm and the Legislative arm. The Executive if I can use a common term is the manager of the arm, the Executive has to decide where they need money and where they need to collect more taxes and so they lay out the blueprint and that blueprint is then recommended to the Legislative Assembly. The Legislative Assembly has the power to say yes or no, you cannot go this way, but the Legislative Assembly does not have the authority to move money from lets say municipalities and put it into a oil and gas exploration or to move money from Justice and Public Services and to put it into Economic Development. If they wish that to occur they have the route of simply refusing to pass the budget at which time the Executive would go back and come with a new print and hopefully that would pass and that is how the two systems work. This goes back to the tradtional role of the King and parliament. The King control the purse but parliament gave him approval to spend it and that is followed on to the present day. So I really do not see that provision as being a stumbling block to constitutional evolution in the Northwest Territories. That recommendation by the

evolutionary process can be controlled by elected members of the Executive Committee.

MR. SIBBESTON: Mr. Lal, would you just tell us what you know about the differences between the role of the Commissioner here in the NWT as that in the Yukon? A Commissioner still plays somewhat of a role in the government of the north here. I am aware that he makes opening Commissioner's remarks at the start of every Assembly, he sits around here amongst us, not in formal session but in the committee as a whole. He of course attends all Executive Committee meetings and you get the image that he has a very sincere and definite interest in all the legislation that is being dealt with and then he gives assent to it usually at the end. What is the difference between the Commissioner here as opposed to in the Yukon?

MR. LAL: Mr. Chairman, I stand to be corrected by Mr. Braden who is more aware of exactly what is happening in the Yukon, but I understand that there is an administrator there, as opposed to a Commissioner. Is there a Commissioner now? The function that the two Commissioners perform are quite similar in the sense they both come and open the Legislature and they state the government's position but I would add that is the case in the provinces as well. The Lt. Governor comes and opens the Legislature and he reads the speech which is called a speech from the throne. He speaks that as a representative of Her Majesty but in effect he is saying what the cabinet or the Executive Arm of the government is asking him to say. In the Yukon, and I am quite

sure in the NWT to a very very large extent that speech has been approved by the Executive Committee before the Commissioner relays it or speaks to the legislature. I am not quite sure whether the Yukon Commissioner retains any departmental responsibilities perhaps that is the major difference. Our Commissioner does have a responsibility in respect of two departments but I would ask Mr. Braden to make a comment on this.

MR. SIBBESTON: Mr. Braden.

MR. BRADEN: Mr. Chairman the Yukon Commissioner is instructed by the former government to assume a much reduced role in the Executive branch of the Yukon government. By and large he is to accept the advice of the Yukon cabinet in respect of legislation of money bills and various forms and documents that he is required to sign as the Chief Executive Officer. The Yukon Commissioner does not attend any cabinet meetings. He has no portfolio responsibilities and to my knowledge is assuming the role of a Lt. Governor for all intents and purposes. We will obtain the letter of instruction in which the Minister of Indian Affairs and Northern Development wrote to the then Commissioner I believe it was Ion Christenson and will provide it to the delegates here because it pretty well sets out what the role of the Commissioner is to be over there.

MR. SIBBESTON: Can I suggest we have a coffee break?

-- COFFEE BREAK--

MR. BRADEN: Mr. Chairman earlier on this morning there was some discussion and some questions on the evolution of the provinces of Alberta and Saskatchewan from the old NWT and I have a fairly lengthy and also very good article on the subject which I would

like permission from you to just have distributed as an information item. Is that allright?

MR. SIBBESTON: Of course.

MR. BRADEN: That is all I have to say Mr. Chairman.

MR. SIBBESTON: Are there any more questions of Mr. Lal? Mr. Lamb.

MR. LAMB: Mr. Chairman, I do not know if Mr. Lal is the correct one to answer it, but it is in regard to the subject at hand. The Yukon government as we have heard today and as we were aware is unilaterally declared a form of independence from the Federal system by delegating their, then Commissioner, to a much less responsible role; and in their present economic woes and their subsequent need of financial assistance from the Federal government, do you think that the Federal government is going to consider their economic requests in the same light as if they would have if they had some of the action themselves if the Commissioner had been in his responsible role to what he was previously? Perhaps it could be addressed to Mr. Braden?

MR. SIBBESTON: Sure, Mr. Braden?

MR. BRADEN: Mr. Chairman, I am sure a lot of delegates here could comment on that but, from my perspective I am not sure if I would say that the Yukon declared themselves to be independent, but I think they took some steps back in the mid 70's as was quoted earlier on whereby the elected group within the Yukon cabinet met privately and sent their representative to meet privately with the Commissioner and just told the Commissioner basically what the elected people were prepared to agree to. What happened in '79 I believe it was, was a letter of instruction from the Federal minister who at the time

was Jake Epp to Iona Christenson which outlined how the powers of the Commissioner would be reduced in practice or by convention and how the role of the Yukon government and cabinet and also the legislature would all be increased. Now I suppose, and I cannot speak for the Yukon government, and I cannot really speak for the Federal government but at the time it was perhaps seen that well, Yukon wants to take more independant role in determining the state of affairs and that in their jurisdiction, fine here is the authority to proceed. What has unfortunately happened in Yukon now, is a situation where the economy is basically in a shambles and the Yukon government is finding itself in a difficult position to obtain the necessary resources to keep functioning and to keep developing a strong economic base and so on and so forth. I do not know if it would have made any difference Mr. Chairman if there was a Commissioner in there or not. Some may argue that if Chris Pearson and his gang were Liberals that they would have an easier time getting an audience in Ottawa to obtain the additional resources that they require. On the other hand I think though that we have to recognize that Yukon is in law still a territory that the Federal government still has a great deal of jurisdiction up there and that I would assume that in the national interests as well as in the interests of Yukon that the Federal government and the present Yukon government will attempt to work out at the political level between Minister Munro and Chris Pearson some resolution to their current economic problems and I suppose in our system or our evolution we should be looking towards having politicians representatives of the people work out solutions as opposed to Federal civil servants acting on our behalf. I do not know if I have answered the question totally Mr. Chairman. I would be pleased to comment further if required.

MR. SIBBESTON: Mr. Lamb.

MR. LAMB: If I could perhaps ask a supplementary question Mr. Chairman. In light of Bill C48 which the Federal government has essentially declared that the natural resources and the revenue from it are their own reserve is it possible that a move to devolutionary change from the present type of government might bring problems getting agreement to for deficit funding from the Federal government to the Territories here

MR. SIBBESTON: Mr. Braden.

MR. BRADEN: Well Mr. Chairman I think that the Federal government is not bound by law to provide us with a deficit grant but in policy it is certainly recognized that for the provision of certain programs and services according to national or territorial standards in the NWT that deficit funding is required. I suppose the kind of situation they are facing in Yukon is not so much questioning the concept of financing but just how much that deficit financing should be. I think to a certain extent the Federal government recognizes across the country and it is enshrined in our constitution right now the concept of equalization and there are certain jurisdictions that will have a lot of wealth and a lot of resources and that it is expected that this wealth and these resources will be shared with the have not jurisdictions and in our particular case right now where we are considered to be a have not and I think it is an understatement to suggest that Yukon is a have not jurisdiction at this point in time. I think that the Federal government would continue to recognize even in a situation where we have responsible government that they are committed to providing deficit funding.

MR. SIBBESTON: Okay, Mr. Bonnetrouge.

MR. BONNETROUGE: Mr. Chairman I have got a comment

and a question for our legal advisor. I take it that no matter how hard the people of the North work or how fast they want changes to occur it will take time and what we are dealing with as a style of government that has been broadened to the homeland, of the native people of the North, and at the same time we are trying to arrive at a kind of a middle ground where some of the native aspirations of control over their lives would occur. I realize that politics being what it is and some of the legalities involved in trying to push change it will take some time. One concern that I have and some of our communities in my region have is it may we may have to live with another territorial election in about 1 1/2 years time, that is what I believe and it will probably occur so my question is I guess my request to the delegation here is would they entertain the thought of expanding the seats on the legislative assembly of the territories and I am requesting that because of the work load on the MLA from Mackenzie Liard. He represents approximately 9 communities and there is a lot of work to be done in the field of legislating, policy, education for example and there is a lot of urgency that in programs, policies and programs, that the people in our region would like but we have only one MLA so at our last regional meeting there had been a motion made at the Executive and the Legislative Assembly entertained the idea of expanding the seats on the assembly to 25 and that they seriously look at expanding the Mackenzie Liard constituency to be split in two so that they would have two MLA's So in that regard Mr. Chairman I would like to ask the Mr. Lal what are the procedures, how long would it take to get our request.

MR. SIBBESTON: Mr. Lal.

MR. LAL: Mr. Chairman the NWT Act allows up to 25 seats in the legislature of the NWT. What it would require would be

an amendment into the council ordinance I believe which is an ordinance of the NWT. Once that ordinance is in place the number of seats could be increased. They would also be a relative effect on the electoral boundaries area and it would be necessary to get a report of the electoral boundary commissioners which would again require a minor amendment to one of our ordinances so once the decision is made in principle the mechanics are not difficult.

MR. SIBBESTON: Mr. Stewart.

MR. STEWART: I think generally the Western members concur that we should be doing something in this regard and I think steps will be taken to try to accomplish this however I think I should tell you that this move is not being met with the approval of a lot of our Eastern members and that they feel that this will disrupt the balance of power on the present council however I think it is going to be tried and what happens will only be tried out by democratic rights of the present sitting assembly.

MR. SIBBESTON: Are there any more questions of Mr. Lal before we go onto other matters. Mr. Jaque.

MR. JAQUE: Thank you Mr. Chairman. I was interested in the comment by Mr. Lal that a constitutional crisis might be provoked if legislation of the Territorial council was turned down by the Federal government. I believe, and I stand to be corrected on this that there was a threat of that kind of thing being carried out by the Territorial Council some years ago. The Territorial council would not pass the budget. I am wondering about that kind of thing. Say if the Territorial government or one of the territories wanted to force some kind of crisis, they felt that was possibly the only way to gain recognition in the eyes of the Federal government. What would be the consequences of passing a

say an ordinance that took control of Federal lands or something quite severe like that to try to force a coup.

MR. LAL: Mr. Chairman the reference to the difficulty with the approval of the budgets a few years ago is a different kind of a situation from the situation I was referring to which was the disallowance by the Federal parliament as opposed to the Legislative Assembly itself not at adopting the budget and not appropriating monies. I am afraid that if the Legislative Assembly were to legislate say in respect of Territorial lands rather than creating a constitutional crisis the Federal government would find a much safer and much more mundane method of simply having somebody challenge it in court and it would be struck down as being ultra vires of the NWT Act and the Federal government would then say it is a judicial decision it has nothing to do with parliament and I do not really think they would need the disallowance provision. The disallowance provision could perhaps be used much more effectively if the Legislative Assembly legislated in an area where it has clear and definite power and yet it is in a way contrary to the instructions being received from Ottawa or it is too fast for Ottawa if I can put it in that language and the Federal government would then seek to disallow such a piece of legislation.

MR. JAQUE: One of the highlights that Mr. Ballantyne brought out in his presentation was the importance of economy in the NWT and again I refer to Bill C48 and the control of the Federal government of our resources and really the mainstay of the economy in the NWT. In the paper the birth of the twin provinces I noticed there was significant agriculture and other types of economy present when provincial status was granted. Perhaps this might be a question for Mr. Braden or Mr. Lal. How significant would economy be in the point

of view of the Federal government in looking at the granting of provincial status.

MR. BRADEN: Mr. Chairman I know my colleague Mr. MacQuarrie would argue with me that all citizens of Canada should enjoy fundamental democratic rights. I agree with that but I would suspect that the government of Canada would look at the territories and ask the question, well would a provincial jurisdiction there be simply another have not jurisdiction or would it have the ability to be a large extent fiscally self sufficient and my view is that particular factor would perhaps be a bit higher on the priority list than fundamental democratic rights. As I say Mr. MacQuarrie might dispute that with me but I think if you go back historically you will see that the Federal government attempted to develop a strong economic base in the western jurisdictions and gradually transferred authority over resources in the case of Saskatchewan and Alberta. Natural resources or non renewable resources were not transferred to those jurisdictions until 1929 and 1930 and in the interim the two jurisdictions were given a certain measure of provincial type taxation and revenue generation in authority but the Federal government recognized that would not be sufficient so I believe if you look at these Saskatchewan Act of 1905 and the Alberta Act that you will see provisions there for grants to be made to emerging provincial governments to assist them in providing programs and services. My feelings are that an economic base or an economy would be a very important criteria in provincial status for the territories.

MR. JAQUE: Thank you. One more question. This would be following quite a different line, back to the Denendeh proposal the Senate element of that proposal and my recognizing a need of the

communities in the NWT to be protected in some way from resource development projects which would cause an influx of large populations and possibly in proximity to communities which would virtually overpower the existing and long standing communities in the NWT. For example, if there was a development on Banks Island which I think has a population of something like 200 people and there was 600 workers went in there for 10 years, the people of Banks Island would certainly take a back seat. Is there any other mechanism or system that you could think of Mr. Lal, that could be created that would be along the lines, or that would suit the kind of problems that are identified in the Denendeh proposal, that could provide protection in legislation or in government to the communities in the NWT?

MR. LAL: Mr. Chairman, there are several methods that in my view would be open and available to the Dene or the Inuit to protect their cultural heritage and their special status in the Canadian constitutional framework. I do not know how many of them would be acceptable to the Federal Parliament or to the people of Canada, but since you asked for different alternatives I can state a few on that basis. There of course, is the proposal of the Senate which is already contained in the Denendeh proposal, there is another one which has been referred to at this conference in the past which is a reservation of a fixed number of seats for people of Dene origin, there is also another alternative which is to seek recognition of that right for the Dene in the aboriginal rights settlement. Those aboriginal rights and settlement would then be introduced into Federal legislation which, in reading with the Constitution Act, would give a special status to that statute as opposed to other statutes. It would have a constitutional cloak on it so that parliament could not amend those rights. It could not take

away those rights. Such protections could be incorporated in such legislation. Another method that perhaps would be available would be through Territorial legislation which would require certain guarantees to be given by any developer operating in the NWT to protect the traditional elements between the Dene and the non Dene. So those are some of the few alternatives that are available and I think that the Dene have proposed some of them in their paper.

MR. SIBBESTON: Ladies and gentlemen should we thank Mr. Lal for coming this morning. I think the purpose of him coming was to explain and give us information on the present system of government and the way it would evolve and Mr. Lal has done that very well. So thank you very much and perhaps now we can move on to another phase of the conference?

MR. SIBBESTON: I have had some suggestions during coffee break that maybe we ought to get into some of the discussion papers. I notice Mrs. Robinson has her hand up.

MRS. ROBINSON: I agree Mr. Chairman. Our time is limited and it seems the general consensus is there are two papers to be dealt with and discussed here, the green paper and the Yellowknife paper. In order to be completely fair I think we should try and divide that time in some way or as I suggested to you or you suggested to me, maybe the two could be discussed as one and the same. That would be up to the assembly.

MR. SIBBESTON: Can I suggest to the delegates that shortly after dinner, it is almost noon now, that we begin getting into some of the documents that are here before us, with a view that

they are all available for discussion and use, and that as a matter of getting down into the issues, I wonder if you are agreeable that we start with the green paper, since it was produced for this session in an attempt to have you focus on some of the issues that are considered contentious. Would that be agreeable?

MRS. ROBINSON: Except that, Mr. Chairman, that might, you know, we have such a small amount of time I think we should guarantee a certain amount of time to each paper. That green paper could go on until the end of the conference.

MR. SIBBESTON: Okay, as long as there is an understanding that we do eventually, in fact, try to deal with the Yellowknife paper, in fact all of the papers, that are dealt with here. Perhaps in the course of discussing this, you know, the provisions that are taken in other papers can be brought forward so you could have an intermeshing, in the sense of dealing with, a number of papers at the same time rather than deal with one and then go onto another one. It seems to me that would take a lot longer than simply using them as a basis and if for instance, we are talking about the Dene Senate, if other people have positions on it and can deal with it at the same time as we go down the list of issues, people can provide their views and comments to their positions.

MRS. ROBINSON: I would be agreeable to that.

MR. SIBBESTON: Okay, let there be a lunch break then. Should we get back at one or one thirty? Okay, one thirty.

LUNCH BREAK

MR. SIBBESTON: Ladies and gentlemen, could I turn your attention, now to the green working paper which this committee has produced for the conference. The way that we have thought of dealing with a working paper is to have me as chairman more or less identify the purpose or principle of a number of features that are outlined in the Denendeh proposal and which this working paper has dealt with. Then just simply leaving the matter for discussion. I am anticipating that there might be some questions and I have discussed with the people that have been involved with us in drafting this working paper, primarily Mr. Dwight Noseworthy, who is the head of the Aboriginal Rights Secretariat and then also Mr. Stien Lal again, I have discussed with them the possibility of appearing with us here to be available to answer any questions that may arise from delegates about the working paper. Would that be desireable thing do you think to have Mr. Noseworthy and Mr. Lal up at the front here or do you think we should simply wait until there are questions? Okay could we please have Mr. Lal and Mr. Noseworthy up as witnesses please? The first major issue which the committee has identified emanating out of or coming out of the Denendeh proposal, is that of a Denendeh Senate. Our working paper has dealt with it I hope and I imagine that many of you have had a chance to read the working paper and our committee's view on the senate. I would simply now throw the matter out for discussion. If there is no one. Mr. Ballantyne.

MR. BALLANTYNE: Mr. Chairman, I wonder if you look at the page 5 of the green paper, there are certain principles that cover something that we as a group have never done. I mean, do we all agree with these principles and if we do, I think that before we get into the details, I would like to get some comments from the people here.

Do they agree with these basic principles. They were put forward in the paper and we endorsed them as a city. I think that might be an appropriate starting place to just see if we actually do agree with this. If we don't, maybe we should discuss about any problems we have with them.

MR. SIBBESTON: No difficulty with dealing with those principles now if it is the wish of the delegates here. Mr. McBryan.

MR. McBRYAN: Thank you Mr. Chairman. The principles, I would say that I would concur on behalf of the Hay River delegation, that we would concur with the principles as outlined on page 5.

MR. SIBBESTON: Do you want to begin then dealing with these principles? I think they are very general statements and I suspect that all the delegates here would be able to agree to the uncontroversial and motherhood statements, I suppose, but if it needs to be dealt with and agreed to by this conference that is fine. Mr. McBryan.

MR. McBRYAN: Mr. Chairman, if I may continue. Thank you, the principles are the basis, as I look at it, to form an agreement and consensus at this conference. They are very broad and they are very open ended. I see no problem with them, but having said that, then I would move over to the position on page 9 of the Denendeh Senate. A little bit of history on my part; is that when I was here in January this discussion came up, the same subject came up, and it was our request as delegates to the January conference and again to the committee meeting in April, that I would take this back to the residents who I represent in the Hay River area and as a result of our meeting, the general meeting held in the town, resulted in our mailing out the questionaire on the 10 questions as outlined in the brochure of comparison government. It

was the findings of our committee that 95% of our response was no to the Dene Senate as outlined in the Denendeh paper. That is all I have to say on that matter for the time being.

MR. BALLANTYNE: Mr. Chairman, it is very interesting that Mr. McBryan agrees with these. I think at the start I would move adoption of these principles by this conference. If I could get a seconder for that then I would like to move on. I would like some statement or principle from this conference that they do in fact agree with these principles. I move that this conference adopts these basic principles.

MR. McBRYAN: I will second the motion.

MR. SIBBESTON: Okay, there is a motion to adopt the principles outlined on page 5. There have been two seconders to the motion, so the motion is in order and available for discussion. Mr. Steen and Mr. Watsyk.

MR. STEEN: Mr. Chairman, before I can see myself agreeing with any of these principles I am wondering why we are talking about Western Arctic government here? You should mention the whole NWT. Are we suggesting that we are agreeing for a government for the good of the people too? Same principles?

MR. SIBBESTON: Mr. Steen, could you state your question again, are you saying, are you wondering if these principles would apply to the Nunavut government?

MR. STEEN: Well, I am referring to number 4 and number 5. As residents of the NWT. Now are we talking about the existing NWT, or are we talking about what we intend to do with the NWT?

MR. SIBBESTON: As it is written, the residents

of the NWT should enjoy political rights enjoyed by other Canadians. It does not deal with any forms of government that would exist in the NWT. It poses just a general statement about saying all residents of government, all residents of the NWT whether they eventually form into Nunavut or Denendeh, should enjoy political rights like any other Canadians. It is just a general statement saying all residents of the north should enjoy political rights irregardless of whether they are part of Nunavut or Denendeh, or of the NWT, or the MacKenzie, or whatever. These principles, you will note, are very broad and general in nature and in many respects are good principles but really do not mean a lot. Mr. Green, I am sorry, Mr. Watsyk and then Mr. Green. Can we have Mr. Watsyk because he wanted to speak earlier and I forgot?

MR. WATSYK: Thank you Mr. Chairman. My question is about the second one. Every level of government in the NWT must have sufficient power, authority and resources available vested in it to enable it to carry out its responsibilities. When we look at the municipal government, when we look at regional government, how is that going to be put to effect? Other than when they say resources they mean money passed on from senior level of government. Is that the way it is going to work?

MR. SIBBESTON: Mr. Watsyk as we understand it, it just simply states that every level of government in the NWT and the levels of government that exist presently in the NWT are at the high level, the Legislative Assembly, at a lower level the municipal, and there is the possibility of regional government. But whatever level of government that they have enough power for authority and money, so that they can carry out their responsibilities. In many ways, it goes without saying, that would be the case but I just think these are general state-

ments that I say do not mean very much though they are all desireable. They are all motherhood statements and we could spend another half day talking about it but I just generally feel we are not going to get into the substance of what this conference could be dealing with if we spend a great deal of time dealing with these principles. They just mean good things. I do not think anybody here in this room would disagree with any of these principles. They can mean what you want them to mean, frankly.

MR. WATSYK: So then in our areas, can the regional government feel that they will have taxation power over the pipeline that might be put in or Cadillac Mine. We will then have resources. That way the Territorial government does not get it. Are we safe in assuming that we will have some taxing powers?

MR. SIBBESTON: It could mean that, the way it is written. Every level of government, be it Legislative Assembly, municipal or regional will have sufficient power, authority and resources available to carry out its responsibilities. It could well mean that. That if there is a regional government, it should have enough resources and authority to deal with its responsibilities. It can mean what you want it to mean. Mr. Green.

MR. GREEN: Mr. Chairman, I find it hard to accept these principles because as I understand it, the legislature, the NWT legislature, had thrown out the booklet "Our Land Our Future". I cannot, you know that is where my problem is in terms of accepting the principles that were not acceptable before it was brought to this forum here. Mr. Chairman, was that clear? I said why should we accept something that was rejected before by the NWT legislature?

MR. SIBBESTON: Mr. Green, I think you are confusing

the matter here. The paper which was set aside, as it were, by the present assembly is the constitutional paper of the last assembly, and it is the white paper with this flag on it, and the principles that we have before you are not contained in this at all. They are actually contained in the blue one which has been produced by Mr. Wah Shee's department, the Territorial government in the last year or so. Mr. Jaque.

MR. JAQUE: Thank you Mr. Chairman, I feel Mr. Watsyk's point on the second, yes the second principle, is well taken. From sufficient power and authority as well as sufficient resources is something that could be a potential can of worms. I do not think the Territorial government now feels it has sufficient power and authority and probably never will until there is an independant state here. I would like to ask the, our two legal experts, if they could give us a reading on that? What are the implications of the wording of that second principle ?

MR. SIBBESTON: Mr. Lal.

MR. LAL: Mr. Chairman my interpretation of the word resources here would mean sufficient funding so that what the principle means is that every government, every level of government in the NWT, would have sufficient power of authority and funding available vested in it to enable it to carry out its responsibilities. It does not mean the authority to tax resource development. Thank you.

MR. SIBBESTON: Mr. MacQuarrie.

MR. MacQUARRIE: If I could maybe just amplify a little and that is that the constitutional process that we are embarking on would determine what will be the responsibilities of the assembly and of regional governments and of municipal governments. That is what this process is all about and there are no answers to those questions yet.

This is simply a principle saying that once that is determined and agreed to, then, as a principle, we should ensure that each of the governments does have the resources to do what it is being called on to do so it does not specifically now insinuate that a regional government, for instance, will have certain authority and taxing powers and so on. I do not think that is included in the principle at all yet. That would have to be argued later.

MR. SIBBESTON: Mr. Jaque and Mr. Steen.

MR. JAQUE : If that is the case, then I would suggest that some words be added to that second principle, perhaps something to the effect of "must have sufficient power, authority and resources as stated in the Constitution". There must be some qualifying factor there. It is so open ended and open to interpretation that it does not really say anything and it leaves potential problems.

MR. SIBBESTON: So there has been a suggestion that a few words be added to the second principle, something to the effect and it would read as follows "every level of government in the NWT must have sufficient power, authority and resources as stated or outlined in the Constitution" okay it should read then "every level of government in the NWT must have sufficient power, authority and resources available vested in it to enable it to carry out its responsibilities as outlined or stated in the Constitution". Mr. Lal.

MR. LAL: To clarify, you would say as outlined in the Constitution of the NWT.

MR. BRADEN: Mr. Chairman, I think we are getting a bit off track here because you know, do we put in clause one, that government decision making should rest as closely as possible with those governed as stated in the Constitution, do we say the same thing in two

and three and four and five and six? I think it is understood that there will be some document that is going to contain the guidelines for how a western territory will function, so I think it is understood that it is stated in the constitution for these Federal principles and a lot of other more specific things.

MR. SIBBESTON: Mr. Steen and then Mr. Ballantyne.

MR. STEEN: Mr. Chairman, I am still on number 4 here. I wonder, I do not know if I would feel right agreeing to number 4 before we agree on a residency requirement. It seems to say that, number 4 seems to tell me that if I agree to that I agree to whatever residency requirement is in the rest of Canada and I would be very touchy about agreeing to that right now.

MR. SIBBESTON: Okay, Mr. Ballantyne.

MR. BALLANTYNE: You know what I was intending we are getting nit picky about this thing and simply what I was saying, there are some very basic, fundamental, easy to agree to principles here which should not give anybody any problems and all these details, as it was pointed by the chairman, these are essentially motherhood statements and go on and on ad infinitum. All I wanted was a very simple acceptance of some very fundamental principles of those six principles. That is all. Nothing to do with, I think Mr. Green was confusing the first part, the six principles that are suggested in the "Our Land Our Future" I am not saying any of that. All I am saying, that we should adopt these six basic principles. Now I seem to see a very straightforward thing and I apologize if I have added some confusion to this because I thought, if we cannot agree on these principles, I assure you we are going to have major problems when we get into the meat of our discussions.

MR. SIBBESTON: Mr. Green.

MR. GREEN: Mr. Chairman, there should be in these sets of principles, the six principles, a seventh one and that is that any government that is to be established in the Territories has room for innovation. Okay? There is nothing to suggest, that, first of all, how we are getting the same kind of equal rights and other benefits that southerners have and that, because of the special circumstances up here, the principle is that we do have a special arrangement here that is not reflected, to set aside that we are in a special situation here.

MR. SIBBESTON: You are suggesting that a seventh principle be added to the general effect that any government established in the NWT ought to be subject to innovative changes perhaps or....?

MR. GREEN: Well, Mr. Chairman, the way it is worded now, there is a section that states that if there are any governments formed or established, that they be given the same privileges and rights as other levels of governments or forms of governments that are in the rest of Canada, and I am saying that in addition to that, what if we leave some room for some innovative approaches to the formation of local structures up here?

MR. SIBBESTON: Would Mr. Steen or Mr. Noseworthy have any suggestions as to how that idea can be incorporated in these principles?

MR. LAL: Mr. Green has suggested the inclusion of that additional principle and if the conference feels that it should be added, it would be a simple matter of simply adding that seventh principle.

MR. SIBBESTON: It has been suggested to me by Mr. Braden, that perhaps number 5 covers that point. Mr. Braden.

MR. BRADEN: Mr. Chairman, I think that it is necessary for us to be innovative in the NWT, but it would seem that if we can interpret in number 5 that a direction of political change is assumed to take place within a broad framework, where we are not restricting ourselves to the southern approach to municipal government or county government or whatever the case may be, that we have it already contained in this principle. That I think is the kind of argument or suggestion that the President of COPE is putting forward; and rather than adding anything new, a principle perhaps, we could accept 5 with that understanding or perhaps put, "a broad and innovative framework". Would that be acceptable to the President of COPE?

MR. SIBBESTON: Mr. Green, Mr. Braden has suggested that your point that you wanted added could perhaps be covered in number 5 and especially by adding in the last sentence of that paragraph that "broad and innovative framework". Would that satisfy you?

MR. GREEN: Mr. Chairman, it must be recognized that what we have now is what other Canadians enjoy, okay, and all I am saying is, that in addition to, that because of the makeup of the country up here and so forth, that there should be room for innovation and I guess that, you know, if that is the intention of what Mr. Braden is saying then that is acceptable.

MR. SIBBESTON: Cause obviously if you read number 5 and think about it, it simply says residents of the NWT should assume the major responsibility for determining the constitutional framework. Obviously, if we as residents are involved in it, we would hopefully contrive or set up a government that is to our liking, so in that regard we would likely set up a government that was possibly unique

or a bit different than the norm that we see in the south, so I do think that number 5 provides for northern input and the possibility of setting up innovative forms of government.

MR. GREEN: Mr. Chairman, one last question please. Mr. Steen had thought up the question that was, are these principles dealing with the Nunavut form of government? If so, you know, where are they and why are we putting forward principles that may not apply to their situation in the east? The other question is, that once we have developed these principles and had them adopted, who in fact does it apply to?

MR. SIBBESTON: You would have to ask Mr. Lal.

MR. LAL: Mr. Chairman, as Mr. Ballantyne stated these are basic principles that have been incorporated or adopted from the paper "Our Land Our Future" which addressed the entire NWT, hence the appearance of the words NWT in these principles. I see really no objection if members or delegates are concerned to narrow it down to the western part of the NWT or Denendeh depending on what the name the delegates wish to choose, or alternatively, there could be a clear understanding by the delegates that when they refer to NWT here, they mean the western part of the NWT.

MR. SIBBESTON: Mr. Reid.

MR. REID: Thank you Mr. Chairman. It is my understanding from the word motion that we are asked to deal with these six principles. There is nothing in the wording of the motion to suggest that once we have dealt with these six, that any of the delegates may tomorrow or subsequant conferences could put a motion on the floor and ask that we adopt the seventh, eighth or eighteenth principle, and I would suggest that we proceed and deal with these six principles

and we leave this conference and subsequant conferences open for any delegate who wants to test, through a motion or addition of any other principles, that they be free to do so.

MR. SIBBESTON: Mr. Blondin.

MR. BLONDIN: Although it may be true that these are basically motherhood statements, still in any constitution that is developed there are definitions of certain things. Would it be in order for us to accept these principles without these definitions? I am underlining words such as resources and residents. I mean these are not clearly defined. Is it in order to accept these principles without these definitions?

MR. SIBBESTON: Mr. Lal.

MR. LAL: Mr. Chairman, these are broad statements of principles and in my view it would be quite in order to use such loose terms as residents and resources because they are merely basic principles and are not details as such, which presumably be contained in the later part of the constitution.

MR. SIBBESTON: Mr. Braden and Mr. Bonnetrouge. Mr. Bonnetrouge.

MR. BONNETROUGE: I am just trying to follow up on what Vince Steen referred to a while ago regarding principle number 4. I would like to ask the legal advisors on principle number 4 is that not going to tie our hands when we deal with residency? Is it not? I would like to be guaranteed, or sure that, if we are going to be innovative or bring forward proposals in working out residency, I hope our hands are not tied by number 4.

MR. SIBBESTON: Mr. Lal.

MR. LAL: The way I understand clearly, principle 4, it means that residents of the NWT should not in any way be underprivileged

by being simply residents of the NWT. In other words, for instance, they should enjoy full responsible government just like residents in Alberta or Saskatchewan do. As far as being tied down in respect of residency requirements, I would suggest that it is not this principle, but rather the Constitution Act 1982 which may pose some difficulty and create or establish an impediment to recognizing a residency requirement of lets say three years or five years or ten years, whatever is the period. The problem lies in the Constitution Act and not in this principle.

MR. SIBBESTON: Mr. Lal if I could just continue. I think Mr. Bonnetrouge wanted to know, if he were to agree to this principle, would he be tied to a situation where he was perhaps not able to deal with a residency requirement later on, which was perhaps a little bit different than what other citizens have in the rest of Canada?

MR. LAL: I will repeat that it is not this clause which will create a problem. He will not be precluded from considering a residency requirement as a result of agreeing to this clause but he may be precluded as a result of the provisions in the Charter of Rights.

MR. SIBBESTON: Mr. Kakfwi.

MR. KAKFWI: My understanding of the reason to not accept these broad general principles is that it is supposing, I guess, that we can all interpret what these are intended to mean ourselves personally. They are so broad that they can be interpreted to mean exactly what you want it to mean. You know, you could go through these point by point, you know, like the first one for instance, is government decision making should rest as closely as possible with those governed. What that means to me would not necessarily mean to the residents of Pine Point or the Mayor of Yellowknife, but I can live with that. It is

just setting down some very broad principles that we can all live with. It is not intended to drive us to being specific at this time, so that we start quibbling, but that we all stand on the same footing, I guess it is.

MR. SIBBESTON: Okay, there is a motion on the floor. A question has been called. All those in favour of the motion? The motion is simply to adopt the principles as outlined on page 5. Okay? All those against? Okay, the motion is carried. Could we now then get on to the issues beginning on page 10, page 9? I would at this stage ask Mr. Noseworthy if he could indicate for the delegates here what is his understanding of the Denendeh Senate as outlined in the Denendeh document? Perhaps outline very briefly just what is written here?

MR. NOSEWORTHY: Thank you Mr. Chairman. As I read this particular point, the key issue here is the need to protect and enhance the aboriginal rights of the Dene/Metis people, and the Dene Nation in their proposal have recommended a mechanism to do this, the Dene Senate. What we tried to do in our discussion is to broaden this proposal and try to identify the various components to it. One, to first of all focus on the principle that there will be aboriginal rights that need to be protected and enhanced, and following that, trying to look at the various mechanisms that can do that. We tried to look at the matter of a senate and discuss what a senate was. We tried to look at other possible ways that aboriginal rights could be protected and enhanced with means other than a senate.

MR. SIBBESTON: Questions, or is there any other question on this topic? Mr. Reid.

MR. REID: Thank you Mr. Chairman. I am opposed to the concept of a Dene Senate as outlined here. I have a question

perhaps for Mr. Lal. When I read the purpose for which the Senate is composed or suggested it is to enhance the aboriginal rights of the Dene/Metis for the future etc. Now I realize that the Canadian Constitution guarantees aboriginal rights of the native people of the north but the Constitution does not define what aboriginal rights are. I would suggest or would it be possible, for example, and acceptable to the Dene Nation, if we reached agreement somehow on exactly what aboriginal rights we are talking about, define them in detail and entrench them in the Constitution or in the NWT Act? Would that be possible? First of all would it be possible from a legalistic point of view, I am directing that to Mr. Lal, and would the Dene Nation accept that type of concept to have their rights protected in law and subject, of course, approval by the courts?

MR. SIBBESTON: Mr. Lal.

MR. LAL: Thank you Mr. Chairman. Section 37 of the Constitution Act 1982 proposes that a constitutional conference be held within one year of the proclomation of the constitution which is April 17, 1982 and it states that, at that constitutional conference to have included in its agenda, an item respecting constitutional matters that directly affect the aboriginal peoples of Canada, including the identification and definition of the rights of those peoples to be included in the constitution of Canada. While it is true that at present the Constitution of Canada does not define aboriginal rights it certainly recognizes the concept of aboriginal rights and recognizes the special status of aboriginal people and provides for a mechanism to further refine and define aboriginal rights so that they can be clearly identified. In addition to that Mr. Chairman, there is another provision section 25 I believe which states that the guarantees of this

charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal people treaty or other rights of freedoms that pertain to the aboriginal people of Canada, including any rights of freedom that have been recognized by the Royal Proclamation of Oct. 7, 1763; and what is more important, any rights or freedoms that may be acquired by the aboriginal peoples of Canada by way of land claims settlement. Therefore, Mr. Chairman, I would suggest that there are two avenues open to aboriginal people in the NWT or indeed throughout Canada. One avenue is to have those aboriginal rights clearly defined and stated at the upcoming constitutional conference and the other avenue open to them is to have those rights and acquire them through land claims settlements. Using either of these two avenues, if those rights are determined and are set out in such settlement legislation, in my view, such legislation would be superior to normal Federal legislation in the sense that it would be protected by a constitutional cloak and therefore will not be easily amendable as any other Federal statute will be. Therefore, to answer Mr. Reid, yes it is possible to reduce those aboriginal rights into Federal statute but I would go one step further and say that the statute will have a constitutional aspect or constitutional component added to it, which, for instance, any other Federal statute does not have or would not have. Thank you.

MR. SIBBESTON: Mr. Reid.

MR. REID: On the second part of my question then; going that route, would there would not necessarily any need of a Dene Senate in my question of the Dene Nation? Have they considered that route and would that route be acceptable to them if they can come to an agreement on a true definition of what aboriginal rights they want?

MR. SIBBESTON: Mr. Erasmus.

MR. ERASMUS: The answer is yes, we have considered that. The two routes of course in front of us, right now, establishing special rights for the indigenous people of the north or indeed the Canadian constitutional form and also the negotiating table if talks were in progress. I am not exactly very optimistic that we will be agreeing to very much with the Premiers and the Prime Minister. History speaks for itself, how often those people have any agreements between themselves, so you add the native people to the forum it is not going to make it any easier, it is only going to make it harder, so I suspect the Conference next winter if it can agree on a few principles, like we did earlier today out of a two day conference on what aboriginal rights should be, would have taken a giant step forward. The major place where the special rights of indigenous people in the NWT are going to be defined are the so called land claims processes. Our fear is that once we have gone through that whole process and we have defined the rights of the descendants of the Dene, if we do not have an institution of government, something like the Senate, in place and having had an agreement at the table will really mean that much more than the treaties do right now. Somewhere there is a definition of rights, but if the future legislative bodies decide to pass some legislation attempting to undermine the negotiated rights of the descendants of the Dene, the only course that the Dene will have will be to go to court and say, look, that was a right we had achieved at the negotiating table and I could specify, specifically, hunting rights. If the Dene get preferential treatment in an agreement that is because it is our tradition to hunt, to trap, to fish etc. and it is signed at the table and then we find ourselves in the future that either the NWT as a whole, if it stays together, or a western government which

is predominantly non native etc. decides to come up with legislation that is different, that would change the kind of rights the Dene would have, the only course that the Dene would have would be to go to court. If we had a senate institution in place before the bill was actually acted, the senate could act and we would not only have the... see the problem, if we do not have an institution like the senate the onus will always be on the Dene to go and fight every case against us. It will have to be in court possibly forever and that is the problem. An agreement that is made in the next two or three years cannot foresee the kind of society we are going to be living in 25 years and it has taken us this long, we are possibly going to take us another year or two before we resolve what those rights are going to be. We would not want to be in a situation where they were not totally protected. So what we are talking about is creating a senate with very specific duties. Very clear and specific duties which it could not go beyond. The parameters would be very clear. So yes, we have thought about it and we know exactly why we are proposing what we are proposing.

MR. SIBBESTON: Mr. Blondin.

MR. BLONDIN: Before we get into the discussions of going through this discussion paper and going through each issue, I just want to make a few comments and that is, that we have around this table representatives from large communities, small communities, different organizations and each one having a different mandate directed to them by their membership, and you know I can respect that, but probably every organization in the NWT has made a statement that they would like to see a speedy and just settlement and that is very good, but I think that we have to sit down and actually do a little more than just say we want land claims. We have to sit back and see what it is the

good for all, for all the NWT. Surely there are a lot of ideas that we passed around this table, that as Georges has mentioned yesterday, there has got to be on some issues a halfway point where we have to compromise on issues. This is my third meeting that I have been to and still there has been no major step forward on these things. I also listened to what Jim Antoine had said yesterday, and the things that the Dene people have been here first, and we have non natives coming up here running a lot of things, and that the native people in the communities have strong feelings on these matters, and I think that what he is trying to say is that the Dene people are struggling right now to control their own destiny, and I think that everybody around this table has a certain responsibility to support their efforts. A comment the city of Yellowknife yesterday made in their proposal that the Territorial government should have a major role in the development of the constitution. I think that there is a direct link between the Territorial government and John Munro 's office, and a direct link between the native organizations, and John Munro 's office, and I think that the territory does not have, cannot have, a major role in this constitution that we are trying to develop. I think that they are, the native organizations and the Territorial government are, equal partners in trying to develop this constitution, and that it is quite important that the native people protect the interests of the Dene people even if they have to mention the Dene people in the constitution, specifically. A major issue such as residency clause has to be carefully discussed. I think that having transients come in and vote on the future of the NWT is dangerous. I think also there is something to be said for having guaranteed seats on municipal councils and organizations such as that, just so that you have a better feeling of the grass roots, and I think that the delegates around the table here,

more or less have to bite the bullet and sit down and say let's get on with it and let's get something down, and I think we have to explore the limits of the laws, more or less. You know we talk about things that have happened in Alberta and Saskatchewan. I think the NWT is unique. The native people here are a majority. I think we have to ...that must mean something, and I think that if we develop a constitution and it has things like the Dene Senate, it has things like guaranteed seats, like no other constitution in Canada, there might be other countries that have something like that, so I think that we have to look at, that issues have been brought up that have not been mentioned anywhere because the Territories is so unique. So few people and such a large area. I think we have to be flexible in our mandate and look at all these issues that we are talking about in this discussion paper with an open mind and a willingness to explore the limits.

MR. SIBBESTON: Mr. Jaque and then Mr. MacQuarrie and then Mrs. Sorensen.

MR. JAQUE: Thank you. I was wondering if Mr. Erasmus would expand a bit further on what he said earlier that the idea of a Senate in the Denendeh paper has certain functions? What would those functions be? What is the specific purpose of the idea behind the Senate?

MR. ERASMUS: Mr. Chairman, the duties of the senate would be first of all, when legislation was being drafted to make sure that there are, specifically, clearly negotiated rights of the Dene. We are not talking about rights that the Senate could be creating over a period of time. We would not give legislative powers to the Senate to create new aboriginal rights. We would not give it the power to continue to define evolving rights. We are talking about very narrow, clearly defined...

and kind of power to be able to protect whatever has been negotiated at the table. Whatever the Federal government, the Territorial government obviously what we had already negotiated. Now if we are going to give the power to the Senate to be able to actually turn back legislation that would undermine those established rights, it would seem sensible to also give it all of the powers leading up to that, which would be one to consult with the present government of the day, to be consulted and possibly to form standing committees so that legislation would be constructed in such a way that the government of the day actually got legislation through that, they actually intended if there was no intention whatsoever to undermine the rights of the Dene. It would seem to me that the Senate and the government of the day would, by necessity, have to develop a close working relationship. The intention of the Senate would not be to get in the way of normal legislation and to hinder the government. The intention of the Senate would primarily be to be a body that made sure that the established rights or the status quo, nothing more.

MR. SIBBESTON: Mr. Jaque.

MR. JAQUE: A supplementary to the question to Mr. Lal. In the discussion in the green paper, the idea of having a Senate, right at the beginning it says on page 9, under discussion, the idea of having a Senate in Denendeh is not a new one in Canada or elsewhere. This is a particular kind of Senate that we are discussing, one that has, it is different in its makeup than I think the normal version of a Senate would be. Could you explain to us if a Senate, with the kind of makeup stated here, would be acceptable under the law, and in Canadian government?

MR. LAL: Mr. Chairman, Mr. Jaque is quite right that the Senate proposed in the Denendeh paper is a different kind

of Senate thst is referred to in the, and under the paragraph "discussion"; but that is clearly stated further in this document and the difference between the proposed Dene Senate and the normal kind of a Senate found in the Westminister Parliament System is clearly spelled out. The Senate that is proposed in the Dene Nation paper as I understand it and I stand to be corrected by Mr. Erasmus if I am wrong, is going to be charged with a very specific mandate which is set out in page 17 of their document. It states that the Senate will have the power to veto any legislation passed by any community council or by the National Assembly if the Senate determines that the legislation adversely affects aboriginal rights, as those are defined in the final claims settlement. As I indicated earlier on, whatever is agreed to in the final claim settlement, if that is contrary to the Charter of Rights it would nevertheless be valid by virtue of section 25 which says that the guarantees that are provided in the charter will not be affected or would not be considered to abrogate or derogate from any rights or freedoms that may be acquired by the aboriginal peoples in Canada by way of land claims settlement. Therefore, the argument that under section 3 of that charter "every citizen of Canada has a right to vote in an election or be a member of a Legislative Assembly " presumably would not hold water if such a right was specifically negotiated in a land claims settlement. In the absence of such a land claims settlement, I would have grave doubts whether such a proposal would be considered constitutional by virtue of not only section 3 but also section 15 of the Charter of Rights which states that "every individual is equal before and under the Law".Presumably someone could challenge that he is not equal under the proposed Dene Senate arrangement because he does not have the right to sit in that Senate, or to vote in that Senate. So to summarize, in my view, if there is the protection of the land claims settlement which recognizes the concept of a Dene

senate, the Dene senate would be legal according to our constitution. However if it does not enjoy that protection there would be some question about its legality. . Thank you.

MR. SIBBESTON: Mr. MacQuarrie.

MR. MacQuarrie: Thank you Mr. Chairman. I have a question for Mr. Erasmus as well to try to clarify what might be, what the concern is and what might be acceptable. I could say that the senate, as it is proposed, alarms quite a number of other people in the NWT largely because, as it is proposed it offends an important government principle and that is that an institution of government will in some way represent all of the people, and of course I recognize the intention is to try to protect aboriginal rights. The first point that I want to make is that the Dene will not be the only group in the Western Arctic that may have an aboriginal rights settlement. The Metis will as well although it may be the same settlement as the Dene nation and then I will take every opportunity I can to say that I hope that the Inuvialuit will also have a settlement and that the Inuvialuit form part of the Western arctic territory and consequently, it is a larger problem than a problem just for the Dene but then to establish a public government institution that only has representatives even from those groups in some ways offends a public government principle and may not be acceptable. So my question to Mr. Erasmus is , is it the crucial point for you the existance of a senate or the legal guarantee of an institution that can review this kind of thing and do what has to be done about it? Would an acceptable alternative to you be, and I do not suggest this as an alternative that I am promoting but just to see what the range of acceptability is, a small senate? Senates exist in many countries and in most cases they do not follow proportional population representation. They have some other basis. For instance, in Sweden, I believe Mr. Lal

would know something about that, I think the representation is on the basis of the municipalities or I believe in recent years that House was abolished, but I believe in the States it is not proportional representation. There are two Senators from each state, irregardless of the size of the state. Rhode Island has two and California only has two. So could it be possible that we establish a small Senate made up of two Dene, two Inuvialuit, two Metis and two non-native and that fulfills the public principle but it has the specific and limited mandate to review these specific matters, and if there is a concern in that House, to turn it back to the Assembly. You know, is that a possibility? As far as you are concerned, and I do not mean that specifically but that kind of idea, for alternatively, in this green paper there is a suggestion a review board instead which would be given legal status, like say in the constitution where there was a board that had the right to review it and when it was concerned, empowered to do certain things, such as refer it to the courts or refer it back to the Assembly, are other alternatives like that acceptable?

MR. SIBBESTON: Georges?

MR. ERASMUS: Well, the intention is not a Senate for the sake of a Senate. Having a second House was not an early idea. We incorporated that idea. It originally started with the Metis Association and we incorporated in into the overall concept and it makes a lot of sense to us and how we could protect the established rights. As to whether or not we could include non-native people on the Senate, it is something we could review. The intention obviously, is to maintain an institution in the Dene control. We were trying to find a way to which we could have a democratic, open government where we thought it mattered which was the Legislative Assembly, so that any Canadian citizen that met the residential requirements could run for office, could become the

Premier, could vote, could enjoy all the rights of anyone living in the Western arctic, but still, somehow we could bring that concept together with protecting those rights the aboriginal people would have. Without interfering in the normal process of government. So we would have to have a guarantee that somewhere, some institution of real power could continue to be predominantly Dene. As to whether or not we should allow some non native people to the point where we never lose our majority, I suppose the principle would remain the same and I would think that those people that are objecting to a total aboriginal institution would still object. They would still say there is an institution where you are going to put token non native people on. I would think they might be more aghast at that kind of process where we are putting on token.. You know I can hear the arguments right now. The intention would still be the same. We would not be changing the nature of the beast, so why would we do it? We could look at it.

MR. SIBBESTON: Lynda Sorenson and then Georges and then Mr. Green , then if there is time Mr. Mclaughlin.

MRS. SORENSON: Yes certainly Mr. Chairman, following along the line of discussion about the senate. Mr. Erasmus, many of us are aware of the James Bay agreement and the difficulty that the native people have experienced following the settlement of that claim with respect to the actual enforcement of the claim. There have been accusations made on part of the native people that the Federal government has not lived up to their part of the claim and that the Quebec government has not lived up to its part of the claim, and that all of that subject to how you interpret the actual words that were written. Do you see that had the people of James Bay had such an enforcement body established within their claim, that they would be in a better situation now because are they not now in a situation where, in order to

get anything enforced, they have to go to the courts which takes an awfully long time and money. Is this primarily what you were referring to earlier?

MR. ERASMUS: I understand there are some people from James Bay in town now and one could ask them, I suppose. I am certainly not as knowledgeable on the James Bay settlement as those people would be. I am aware of some of the problems they have had. The problems seem to be, that as detailed as the James Bay agreement is, they did not go into all of the fine print that was really needed. It is a real learning situation for all of the other processes of negotiations that are under way right now and it is all in the interpretation of the agreement in the end and the kind of good faith that the province of Quebec and the Federal government are willing to exercise. Unfortunately for the native people, they are at a wait and see situation. They really have to wait for the provincial government to come through with their part of the bargain. They have to wait for the Federal government to come forth with the dollars for the programs etc., and they have just discovered, because they do not have their own tax and resource base, that they cannot really develop their own revenue and so they really cannot expand and they are fairly dependent on the government. So even though they have an agreement, it really does not mean very much. If they would have had an institution in the province of Quebec, something similar to the Senate, which would have to deal with legislation that the government, that it normally deals with. The kind of pressure that that kind of Senate could have put on the government could have resulted in the provincial government

obviously dealing with the people of Northern Quebec. I do not think there is any question about that.

MR. SIBBESTON: Mrs. Sorensen.

MRS. SORENSEN: Well then let us take that one step further then and say that if they had established such a body, with the controlled veto legislation, what would prevent the Senate from going overboard from interpreting the land claims in a way that was never meant to be interpreted and in fact hindering the due process of government. Do you see any protection being built in for the other side, for the public government that would be working with the Senate, other than, you have referred to, consulting very closely on the makeup of any legislation?

MR. ERASMUS: Well, you would have a situation where the Senate would have certain kinds of powers. The Assembly of the day if it was a territory yet, would have certain powers, if it was a province, it would have a certain amount of powers. If the Senate had been overzealous in its decision on how it could protect aboriginal rights, the Legislative Assembly or the government of the time could take their decision to court, obviously, and the question of whether or not the Senate had acted within its powers of protecting formerly established rights, and obviously it would have all of the funds of the government of the day to go to court any time. Without the Senate, what you have is, the government of the day can legislate and then who comes down on the Legislative Assembly? The Feds? No way! The native people would have to defend themselves. They would have to go to court to defend hard gained

supposed rights that would be always open to being threatened by any kind of legislation and so the Dene would have to go to court repeatedly and the courts would continue to refine every court decision and that would be further and further refinement of what had actually been gained at the table. With a Senate there, you would have the government of the day, if it did not like the decision that the Senate made it could take it to court and it would have all of the resources of the Federal government so obviously you could not have every decision going to court. So the Senate and the government of the day would have to work together. What would have to happen is that legislation would have to go to a committee which the Senate was involved in, and immediately there would have to be agreements made so that whatever the intention of the bill it was drafted in such a way that the negotiated and established rights of the Dene were not being undermined.

MR. SIBBESTON: Mrs. Sorensen, one more and then we will give some others a chance.

MRS. SORENSEN: I certainly accept the concept that there really must be a type of watchdog body to make sure that the contents of the agreement are upheld by all sides. We do that right now within our own government. We create an ordinance such as the labour standards ordinance, the government then establishes a board of independent people to make sure that that ordinance is upheld and within the general public, anyone who has a complaint can appeal to that board. Ultimately, the decision can through the courts. We have another ordinance, such as our landlord/tenant ordinance, that the government has not seen fit to set up a board and we are now forcing our tenants who are aggrieved or our landlords who are aggrieved to go to the courts. Consequently, there

are very few people who go to the courts because they cannot afford it. My question then, and that was just a comment, so I see the need there for some sort of a body to make sure that it is easier to get things settled out of the courts. The question concerns again the Senate. Is there not another role that you see for the Senate and that is the role that the Dene have articulated very well, and I know the people from the COPE area have articulated very well, that is the role for the elders. The recognition that the elder people of the NWT have a very important role to play and a role that should be recognized and understood as an important part of any political evolution in the NWT. That is one that does, and could make us, very unique in Canada because there does not seem to be a very important role for elders in the south, within the government, other than the Federal Senate, and you do not even have to be old to get into the Senate. A lot of that is political patronage. Can you articulate that perhaps a bit further, whether you would see an age restriction being put on that? I notice that you mentioned, in your public government paper, that it could be an elected position and would you put a restriction on who could run? From where and how old?

MR. ERASMUS: I think it was at our assembly in Simpson this spring that we discussed the Senate, and we also had some workshops later this spring that we discussed powers and how one could select the Senate. In the document that we put forth, as a discussion paper, we say that whatever the Dene collectively would agree, would be the manner in which we would select the Senate. Recently there has been discussions of the concept of putting elders in the Senate to make

sure that the.... people there would be people that understood the history of the Dene and had the values and traditions, culture etc. But we have not yet made any final decision as to how the Senate would be selected.

MR. SIBBESTON: Mr. Braden. Okay, Mr. Green.

MR. GREEN: My question Mr. Chairman is directed to Georges Erasmus. Georges and I realize that your proposal, the Dene is up for discussion and so forth. There were some very interesting comments made by Mr. MacQuarrie and Lynda Sorensen back to the Inuvialuit and related to the Senate and so forth. My question is Georges, where and what is the land mass that will, that Denendeh will have as its political and geographical jurisdiction?

MR. ERASMUS: Are you not more concerned with the water mass that we would have?

MR. GREEN: Both.

MR. ERASMUS: The proposal for a western territory that would evolve to provincial status which we are calling Denendeh could include the Beaufort area or it could restrict itself to the mainland western NWT. As we stated in the conference we held a number of months ago, we leave it open, that if the people in the Beaufort area, and particularly the membership of COPE wish to join the western territory, if we finally do divide the NWT into two major territories, the concept of a Senate could include all aboriginal people in the western Arctic. So obviously the membership of COPE could sit on this institution, or an institution similar to it, that would be created to protect the hard gained rights in our respective claims. So the border obviously is something that we hope to negotiate and right now we are still waiting with open arms to the people of the Western Arctic and the High Arctic, because we think it is the most logical territory for the people of the Western Arctic

to be in. We have communication lines, we have the inter-marriage between our people, we have overlap in our hunting, fishing, trapping. The transportation lines are North/South. We still have not, in any way, made any final decision as to where the boundary would be and we are very open to sitting down and discussing with the membership of COPE and the people of the Beaufort area, to encourage them to stay in the west.

MR. SIBBESTON: Mr. Green.

MR. GREEN: Mr. Chairman. Mr. Erasmus, then I take it that it is an option that is left to the Inuvialuit, that when they decide further, they would have any connection or establish a relationship with the Denendeh or Nunavut? I suppose that it is up, it is a matter for discussion, and I suppose that if we treat it in that light, I want to be clear in my mind that we do have that option?

MR. ERASMUS: That is the case Mr. Chairman.

MR. SIBBESTON: Okay, Mr. Braden and then we shall have coffee.

MR. BRADEN: Thank you Mr. Chairman. In the territorial government today we from time to time have to deal with this Federal outfit called the Human Rights Commission and I have been quite frankly amazed at times of the authority this commission has in the NWT, particularly in terms of ensuring I think, the latest case that is housing benefits are provided on an equal basis regardless of sex, marital status, so on and so forth and that we are really bound by the decision of this particular commission to alter our housing benefits policy. Now it strikes

me that there may be some potential assuming a strong enough legislative base, and a protected legislative base for an aboriginal rights commission. Now I would just ask at this point in time anyway for information purposes if my deputy minister could give us a bit of background on the statutory base of the Human Rights Commission and the kind of power that it has to force a particular government or it could be someone in the private sector, to change their policies and positions and what recourse the Human Rights Commission has if a government, for example decides it is not going to comply with the ruling of the commission? Can you do that Mr. Lal?

MR. LAL: Mr. Chairman, the Human Rights Commission that Mr. Braden is referring to is the Federal Human Rights Commission which has jurisdiction over the NWT. It is another example of a scenario where the Federal government has legislated us, thus precluding the Territorial government from legislating in the same area, unlike the provinces which have their own Human Rights Commissions. The Human Rights Commission is therefore set out under a Federal statute called the Human Rights Act and provides for certain guarantees and precludes people from discriminating on the basis of certain conditions or categories such as marital status, sex, age and the like; I might add that there is a similar provision now in the constitution which would further make it difficult for any person to discriminate on those basis. The Human Rights Commission has a chairman who is a full time chairman and certain commissioners. I am not quite sure what the number is but I believe some of them are part time commissioners and the others are full time commissioners. Any person who feels that he has been discriminated

against, or she has been discriminated against, can complain to the Human Rights Commission. The Human Rights Commission will then assign a worker to investigate the complaint, and if the worker feels that there is merit in the complaint, then the matter will be brought before the commissioners. The commissioners then have the authority to ask the offending party to remedy the offense, or the defect, and to give compensation to the party that has been injured as a result of such discrimination, and if the offending party does not carry that out, then the Human Rights Commission has authority to take the matter to court and to impose penalties or punishment on such individuals to insure that discrimination does not take place. Very often the Human Rights Commission works with the offending party, to assist that party to change his policies, in a gradual way, to accomodate both points of view. Thank you.

MR. SIBBESTON: Shall we have coffee and return in ten minutes.

--COFFEE BREAK--

MR. SIBBESTON: I would like to call the meeting back to order. Mr. McLaughlin and Mr. Wah Shee were on the list to speak next. Any other persons want to talk. Mr. McBryan and then Mr. Ballantyne. The lights must have scared off some delegates. Some delegate wondered what we could do to lower the heat in this place. We made some attempts but it is not possible to reduce the heat any further than this. We have our legislative assembly here and it is a continuous problem. It is one of the reasons I do not wear a suit.

MR. SIBBESTON: Mr. McBryan you are next on the line. Do you feel you have enough of an audience here?

MR. McBRYAN: Thank you Mr. Chairman. A comment I made a short while ago in reference to the Dene Senate and I said that as a result of our survey, that we were directed on a no situation. However, it is not cast in stone, and why we object to an appointed Senate by a select group, we do not object to a Senate elected by all Northerners, who represent all Northerners but who will not have the powers to hold up government via the veto powers, but would ensure that the native rights are protected, as you find in the final land claims settlement. I firmly believe that there is a legal course open to ensure the protection of native rights, either the 1982 constitution or the Bill of Rights and the courts. I see where we are all hung up on the Senate, and I say hung up. I think this subject could go around and around but I do believe the fears of the aboriginal people who may lose their rights, and I think the lesson has been learned years ago with the treaties that were signed many years ago. There were problems in them and hopefully from the problems that were created by those treaties they left the door open to many discussions; and vague and grey areas that the government of Canada today along with the legal system that we have can define, and can protect the aboriginal rights granted in the land claims settlement, so therefore, I have no objection to a Senate elected by the Northerners, and all Northerners can participate within it, and it will have the responsibility to protect the rights of their fellow Northerners, whichever they happen to be. After all, the others have rights also to be

protected, along with the aboriginal peoples, who will obtain rights in their settlements. So having said that Mr. Chairman, I think that I have nothing further to add on it, but that is our position and I would like to see the subject closed.

MR. SIBBESTON: Mr. Ballantyne, and then Mr. Reid and then Mr. Jaque.

MR. BALLANTYNE: Okay, I have a few comments. Obviously you people are looking at the time constraints. This conference we probably will not be able to go into my paper in depth, so I am going to sneak it in point by point here if you do not mind. I think one of the major points that we are trying to develop, and I know it is not a traditional position, or even a red necked or whatever, but is that there are existing mechanisms that have been used in Canada that have been acceptable to accomplish, I think, all of the goals that have been put forward by the Dene, by other groups. I do not think we have to reinvent a brave new world in order to do that. I think the aim of the exercise is to accomplish certain ends now, and I think probably there can be a lot of flexibility with those mechanisms to accomplish those ends. That was one of the major thrusts of my paper, but I see a couple of other things with the senate that I would like to bring forward. One thing that people have not talked about, if you look in the Dene paper, is that they have two components of the Senate. The second component is power, as specified by the Dene, to set up and run those institutions established by the Dene to manage exclusive Dene lands and resources. No one has talked about that, but I see a potential conflict. I can see the analogy would be the Canadian Senate running Crown corporations. Now, there is a potential conflict there and I think that has to be

addressed. Another problem I see, is that we tend to forget here, is that we are a very, very small population. I mean we are a medium sized town in Ontario, and to talk about a bi-cameral legislature, with the extra staff and bureaucracy and expense, I think might not be realistic. I think, Mr. Braden, Mrs. Sorensen and Mr. MacQuarrie put forth some potential ways to do it and the concept of the Human Rights Commission could be something that we could explore. I think it is something that probably people would find acceptable. I think Mr. Lal has pointed out that the problem with having an institution with a veto power, see, ultimately, what the courts have said is, that is, that thing should be in the courts and I do not know how we get around that point, because if you have an institution that is interpreting legislation and vetoing, I mean there is a human element there. There is also all the political pressures inherent in that institution, so I really see a major problem with having a senate per se. I see no real problem of trying to come up with another mechanism to achieve the same end. Thank you.

MR. SIBBESTON: Okay, who did I say was next? Mr. Reid.

MR. REID: Mr. Chairman, originally this afternoon I had also stated that we, the NWT Teachers Association, are opposed to the concept of a senate as defined on page 9 of this document. However, I must say that the Teacher's Association in the territories do support the concept of aboriginal rights, and in fact, it was our association that initiated action on behalf of our national association representing 220,000 teachers to lobby in Ottawa for entrenchment of aboriginal rights in the constitution. So we are committed to that concept and we find it distasteful that a senate be composed of this nature because of the discriminatory overtones of only one group of people being represented on that senate.

on that Senate. We are interested in aboriginal rights, support them, want them to pursue a settlement of land claims in the NWT, recognition of all the treaties etc. the whole bit However, we think that if any Senate is going to be composed or formed, that it be formed of native and non-native people alike. I believe that non-native people in the NWT, as well as us support the concept of aboriginal rights, and we have to go through a learning experience ourselves to find out exactly what these aboriginal rights are and how we can help the native people in the North to achieve their goals, at least that is the goal of the NWT Teacher's Association. Unfortunately, Mr. Braden stole my thunder when he spoke of an aboriginal rights commission and I will never forgive him for it, because we were going to suggest that and I would like to explore, or suggest to the Dene Nation, that the concept of an aboriginal rights commission be explored further and considered, but that a commission of that nature be composed, as well, of natives and non-natives as well. Thank you.

MR. JAQUE : Thank you Mr. Chairman. I would have to take exception to the remarks made by Mr. McBryan. I think that there is one thing that has been consistent regarding the rights of natives over the years, probably since 1492, and that is they have been walked on quite severely. I see no problem at all in some kind of mechanism for the protection of aboriginal rights as granted by the government of Canada. It would seem to make sense, if these rights are granted, that something be set up to protect them. It is quite possible that the Senate, as proposed in the Denendeh proposal and as described by Georges earlier on, is misnamed. My original feeling for that Senate was that it would be a full legislative body acting beside a Territorial Assembly of our government here with full legislative powers, and I do not think that is what is being requested at all. I think that is what

the reaction against it has been. So I would just like to say that I would support fully some kind of watchdog body that would act to guarantee that the rights granted to the native people be upheld, and let that body have teeth and the body be enacted by Federal legislation, that it would be very difficult to change it or undermine it in any way.

MR. SIBBESTON: Ladies and gentlemen, can I just suggest to you at this time whether we could perhaps come to a conclusion in this matter? There are quite a number of other items to be discussed and can I just ask whether, as a result of the discussions here, there is some agreement or some consensus that the delegates here support the idea that there be some mechanism set up to protect and ensure that the rights that have been gained by aboriginal people is protected, so there is no need for them to continuously have these rights defined, or have to go to court to define aboriginal rights, or deal with the rights that have been gained? Is there agreement for some consensus that, in a very general way, there ought to be some mechanism set up to protect the aboriginal rights that are gained by native people here in some claims settlement in the near future, in the next year or two? Okay, I take that there is agreement. All those in support of the idea or motion that I put forward please indicate by raising your hand. Thank you. All those against. Okay, thank you. Now on to the second subject of residency requirements. I wonder if we could have Mr. Lal or Mr. Noseworthy to deal with that subject first?

MR. LAL: Mr. Chairman, the discussion on the residency requirements is contained on page 14 of the working paper It is also referred to in page 17 under sub clause C of the Denendeh proposal under the sub heading eligiblity. It reads, "to be able to

vote for members of the National Assembly and the Executive, or to be able to hold either of those offices, a person must be a Canadian citizen and meet a residency requirement in Denendeh, of 10 years, to pledge to uphold the charter of founding principles." A discussion of the subject follows under the sub heading "discussions" on page 14 of the working paper. Thank you.

MR. SIBBESTON: Are there any persons interested in talking about this subject? Mr. Watsyk.

MR. WATSYK: I would like clarification on the quotation there on page 14, "every citizen of Canada has the right to vote in an election of members of the House of Commons or for a Legislative Assembly and to be qualified for membership therein". Does that mean you cannot have a ten year residency unless these elected bodies stay for ten years?

MR. LAL: No, Mr. Chairman. It does not mean that. What it means is that to be eligible to vote you have to have lived in Denendeh for ten years.

MR. WATSYK: Then are they going to have elections every ten years?

MR. LAL: Again, Mr. Chairman, no it does not... every time you hold an election they will have an electoral list or register and only those people who have lived in Denendeh for a period of ten years prior to the date of the election will have the right to vote in that election. Whether that election is held every ten years

or every year.

MR. WATSYK: So then your interpretation says that if this Denendeh, or whatever, has an election and I have lived there nine years I cannot vote? Therefore, I have not enjoyed the privilege of every citizen having the right to vote because they would have had three or four elections and I would not have had the chance to vote.

MR. LAL: That is correct, if you have lived for only nine years in the Territories.

MR. WATSYK: So that policy will then be negating this section of the constitution enacted in 1982?

MR. SIBBESTON: Mr. Lal, I wonder if you could outline for us the legal situation, as you understand it, particularly since the new constitution has come in? What do you think are the constraints on setting a residency requirement?

MR. LAL: Mr. Chairman, section 3 of the Constitution Act 1982 provides that every citizen of Canada has the right to vote in an election of members of the House of COmmons or of a Legislative Assembly, and to be qualified for membership therein. I would assume that the use of the term national assembly as opposed to legislative assembly would not really make a difference if it has a legislative function. That is a basic right which is provided in the Charter. However, the Charter also contains section 1 which I referred to earlier on this morning, which states that the Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society. Therefore, presumably, if it could be established that a residency requirement, let us say of three years, is something that can be demonstrably

justified in a free and democratic society, then section 3 would not afford the kind of protection that Mr. Watsyk was referring to. In addition to that Mr. Chairman, there is a provision at the end of the Charter, I believe it is section 33, which states "the parliament or the legislature may expressly declare in an act of parliament or of the legislature, as the case may be, that the Act or provision thereof shall operate notwithstanding a provision included in section 2, or section 7 to 15 of this charter. Section 15 of the charter, and I am sorry to take you through this legal wrangle here but I have to refer to the sections to make my point, Section 15 says that every individual is equal before and under the law and has the right to the equal protection and equal benefits of the law without discrimination, and in particular discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability. Therefore Mr. Chairman there are two avenues open to the Legislative Assembly of the NWT, for example, if it were to impose their residency requirement longer than 6 months or one year which is the case today, it could in the first instance rely on section one of the charter to say that the residency requirement they are proposing is reasonable and they can demonstrably justify it in terms of the unique conditions in the NWT and they can also state that a person is relying on section 15 of the charter claiming that he is not being treated equally as compared to another resident of the Northwest Territories. They can pass special legislation excluding the operation of that provision. The operation of section 15. Whether the courts would accept it or not I cannot tell. The constitution has been in place for only five months now, and the particular provisions in section one has

not yet been interpreted to my knowledge. Therefore, we just have to wait and see as to what is reasonable and what is not.

MR. SIBBESTON: Are there any questions? Okay Mrs. Robinson.

MRS. ROBINSON: Under these unusual situations I can see no problem with three year residency. Mind you, Smith did not start out like that and we do not intend to go for 10 years, but I can be reasonable and settle for three.

--LAUGHTER--

MR. SIBBESTON: Three years. Do you have anything further. Mike you have four.

MR. BALLANTYNE: If I could make a couple of comments. Again we refer to this in our traditionalist paper, but I think we have to come to grips with the very basic underlying concern here. I think all of us who live in the north have to come to grips with, and there is the potential for large scale economic development and resource development in the NWT, with the potential for large influxes of population, which could dramatically change the demographics of the NWT. I think that is the concern of, I think it is a valid concern and one that all of us really have to come to grips with. I guess what we have to look at is getting back to the basic premises of mechanism to achieve that. There are a number of ways to do it. I think Mr. Lal has explained the potential difficulties under the new constitution with enacting a territorial residency requirement. I suppose other ways that you can do that, I am not sure now, I ask Mr. Lal if it is possible to have

agreements between governments and industry as far as fly in/fly out, that sort of thing, to protect it, whereby people are put into camps outside of municipalities...I do not know. Secondly, Mr. Drury in his report suggested the possibility might be acceptable under the constitution for municipal elections, he suggested the Territorial government enact legislation that allows communities to have a range of options, and he suggested between 6 months and three years, and each community would be able to decide where they fell in that, so that for instance Fort Smith wanted 6 months, that is fine, but Fort Good Hope could go up to 3 years. Now that is a possibility, and I would like to ask Mr. Lal could there be perceived a difference under the constitution with enacting something like that for municipalities? One and secondly, is there any mechanism of agreements between a Territorial government and major resource industries to try to build some protection in that way? Number two.

MR. LAL: Mr. Chairman, I can easily answer the mayor's first question, I am not quite certain what he is getting at in respect of his second question and I seek his clarification on it. In respect of his first question, firstly, Mr. Drury in his report came prior to the Constitution Act 1982. The residency rights, or the democratic rights to vote at every election etc., were not contained in the constitution at that stage, therefore there certainly would be a bearing. The courts, in considering it, will certainly look at the new constitution and see how that has affected the law relating to residency requirements. Technically and mechanically it certainly is possible to amend the municipal ordinance in such a way that the residency period could be determined by the municipality prior to an election either by a motion or

resolution, and that would be considered as the period applying, or the residency period, as it would be applicable to that particular municipality or community, and if it is within a reasonable range, it could be still considered to be justifiable in a democratic society and therefore would be upheld by the courts, I believe.

MR. BALLANTYNE: Maybe I will try to clarify my first question. Would it be possible for instance if Dome Petroleum was going to have 15,000 workers working in the Beaufort Sea, would it be possible for the government of Canada or the government of the NWT to say okay, you can do that, but on a fly in/fly out basis whereby your people are rotated before the residency requirement would come into effect? For instance, if the constitution said the maximum was one year, would it be possible to say to them that okay every ten months you have to rotate your staff? I do not know. Is there any precedent for that?

MR. LAL: Yes Mr. Chairman, it certainly would be possible to have such an agreement. However, if a worker decided to stay there, for instance, for a period of one year, he would then be qualified, irrespective of any agreement between the government of Canada and the resource development company, because he is not a party to that agreement and his democratic rights cannot be stifled by an agreement between two other parties.

MR. SIBBESTON: Mr. MacQuarrie and then Mrs. Sorensen.

MR. MacQUARRIE: Thank you Mr. Chairman. Two questions. One is for Mr. Lal, the first one, to your knowledge would there be any legal impediment in distinguishing two categories here? Number one, possibly a shorter residency requirement for voting but a longer one for

candidacy for office? To your knowledge is that done anywhere? Would there be a legal impediment? The second question has to do with the large influx or possible influx of people to work. Would it be possible in some way to tie residency to whether or not that individual pays taxes in his jurisdiction? We know right now there are many people who work here for a good portion here but have residency somewhere else and pay their taxes elsewhere. Does that indicate that they are residents elsewhere and for that reason, they would be disqualified from residency in the territories?

MR. LAL: Mr. Chairman in respect of the first question. The section 13 of the NWT Act gives authority to the legislative assembly of the NWT to make laws in respect of elections. The Legislative Assembly has used that power and has on its statute books the elections ordinance being amended, for instance, to making two different residency requirements for voting and a different one for holding office, provided they are both reasonable and provided they are both constitutional, of course. In respect of Mr. MacQuarrie's second question, Mr. Chairman, the Income Tax Law for instance does not determine the yearly residence on the 31st of December of any particular. The tax statute, as I recall it, states that a person shall be deemed to be a resident of a province for the whole year, if he was resident in that province on the 31st of December 19 whatever it is. Therefore the test is that particular day, if on the 31st of December he is resident in a particular place then he is deemed to be a resident in that

area for the whole year. Certainly similar legislation could be brought into effect in the territories too, but it would still be judged whether it is reasonable or not, in the sense that if a person arrives in the NWT every 31st of December, just to pay his taxes and to continue maintaining his voting rights, and he is gone for the rest of the year and comes back on the next 31st of December in effect he is being a resident here for only two days out of two years and perhaps it could be challenged that, that really does not constitute a residency in the two year period. So to conclude yes you can legislate, but it would still depend on whether it is reasonable or not under the terms of the constitution.

MR. MacQUARRIE: Just a little followup. Our concern would be more the other way around where someone just had residency in Alberta for two days when he paid his taxes or whatever. And so the question is supposing he lived in Tuktoyaktuk for 6 months and what was considered reasonable by the Federal court was that 6 months is adequate for a municipal voting standard, could, would there be the legal possibility that if he had paid his taxes in Alberta the previous year that we say he is ineligible to vote because he is not a resident of the NWT even though he had fulfilled the 6 month period? Is that a possibility at all?

MR. LAL: It certainly is possible Mr. Chairman, but it would be denying a factual situation if a person has been a resident in Tuktoyaktuk for 6 months then he has been a resident there. The deeming provision that is found in the income tax act is merely a device to remove any doubts that there may be so that what you would be doing by the territorial legislation that Mr. MacQuarrie's proposing

would be to, I stand corrected, is raising, would be to create an artificial situation. Thank you.

MR. SIBBESTON: I would like to give Steve Kakfwi a chance because he had indicated earlier and I forgot. Okay, Mrs. Sorensen and then Mr. Campbell.

MRS. SORENSEN: Just a question Mr. Lal with respect to the constitution. You refer and always qualify all your answers with respect to the constitution, you say what is deemed reasonable. Do we have to have a dispute to get into the courts on this issue? It seems to me that this could be an issue that could tear northerners apart because there are the two extremes; there is the ten year and there is the one year. Can we not say to the courts we would like to know whether going beyond one year is possible and make an argument before the court for say three years and see what happens? Rather than getting into you know as I said tearing northerners apart, let us take the bull by the horns and go to the courts because no matter what, the courts are going to decide in the end anyway. Is that a possibility? Or do we need an actual dispute where we actually enact the legislation and someone challenges it and we are in the courts?

MR. LAL: Mr. Chairman, in response to Mrs. Sorensen's question; no it is not necessary to have a dispute before the courts would rule on it. Under our existing legal questions ordinance, the Minister of Justice can refer a question and rule on it. There is another avenue that is open to lawyers, which is to use the scheme of seeking a

declaration from a court, whereby you apply to the court to seek a declaration from a court whether a particular thing is legal or it is illegal, or whether the property belongs to A or B without there actually having been a dispute. So either of those two avenues would be open.

MRS. SORENSEN: From your perspective would you think that would be a good route to take? I am not talking politically but from a legal perspective, would the courts feel the same passion for instance that we feel, if it was just referred to them, or would they look differently if there was an actual challenge? Would they treat it as seriously if it was just referred to them as they probably would if there was a big challenge in the NWT.?

MR. LAL: Mr. Chairman I have full confidence in our judicial system that they would treat it very very seriously, irrespective of whether there was a dispute or not. Mrs. Sorensen wants to know what my view is and I am used to acting under instructions. Thank you.

--LAUGHTER--

MR. SIBBESTON: Okay, Mr. Campbell and then Mr. Lamb and then Mr. Steen and then Mr. Reid.

MR. CAMPBELL: You mention in the armed forces would their voting, I believe their voting goes right back to their own home constituency, that vote does not have anything to do with the town they are living in and would this not apply the same as like Dome Petroleum with a large influx of people in their camp? Would their voting go back to their own home constituency?

MR. LAL: The armed forces are treated separately under their own legislation and their residency is protected through that legislation. In respect of the example you quoted of Dome Petroleum, the

mere fact that a person is working in the NWT for a short time does not affect his residency. If he is temporarily in the NWT carrying out a function, he does not thereby necessarily lose his residency. To lose your residency you have to have the intention of making the NWT, as in this example, your home and physically locate yourself here and not be here just visiting or on a work project. Therefore, if a worker came up to the NWT to work on a project for Dome Petroleum and went back three months later, I do not think he would lose his residency in Alberta or Saskatchewan or where else he came from.

MR. SIBBESTON: Mr. Lamb.

MR. LAMB: Yes Mr. Chairman, the point raised by Mrs. Sorensen about the court handling a residency clause; it is my understanding that there is already a legal challenge to the three year residency that was required for the April plebiscite, that was initiated in the town of Inuvik and is presently in the hands of a law firm in Toronto to challenge the legality of that three year residency, so we may well have the answer before too long.

MR. SIBBESTON: Mr. Steen. Maybe Mr. Braden has more information.

MR. BRADEN: In reply to the point by Mr. Lamb, there is no challenge, there is a group that is seeking legal counsel on the three year residency requirement but they have filed nothing before our courts at this point in time, so I just wanted to interject that for the record.

MR. LAMB: I believe they hired counsel with the

intent of challenging it in the courts.

MR. SIBBESTON: Just to say it has been quite a number of months since the April plebiscite, so I suppose if it has not gone into court yet one must to begin to wonder if they are intent on pursuing the matter. I suppose this is the situation. Okay Mr. Steen.

MR. STEEN: Mr. Chairman, I would just like to suggest to the delegates that I would support a three year residency basically because most of the transit people including government normally after two years in a settlement they are automatically transferred somewhere else, and as far as Dome Petroleum is concerned they are only two weeks in one week out and they have no intention of establishing residency. The point of whether or not each community would have its own time frame for residency, I could see something like that as far as municipal elections are concerned but for the election of the Legislative Assembly I would assume that everybody has got the same equal residency clause, because if a guy lived in Yellowknife for two years and he would vote after 6 months in Yellowknife, I might have a three year residency clause down in Tuk and it is not going to do him any good. He might as well stay in Yellowknife. The other point is that it is just going to be so confusing to keep track of these people, so it seems more sensible that, I believe, under the, I believe the legal advisor has told us that under the municipal ordinances, which is territorial legislation, we may be possible to have a residency clauses for the municipal elections and, I suppose, might make practical sense from the point of view that a person might know the political and ongoing concerns in Yellowknife but he may not know them in my community, so I may have a residency clause that even though he has been in Yellowknife for 2 years, he has to live in Tuk for at least 6 months. That type of thing but on the general concept of

residency I would suggest that southerners that coming into the territories may not know the political or concerns of the residents and therefore should be allowed a time frame to learn them which I would say is at least 2 years. That is why I support a 2 year residency.

MR. SIBBESTON: Thank you, Mr. Reid, then Mr. McLaughlin.

MR. REID: Thank you Mr. Chairman. The political rights issues have been great concern to our association for a number of years now but we have been confining our activities and our basic worries regarding political rights to public servants vis a vis elections in the territories running for office. This is the first time that we have had to discuss the concept of residency requirements. Now we understand the reservations of the Dene nation vis a vis the bag and baggage mentality of certain transient workers in the NWT, and we wonder whether teachers are labelled as having that type of mentality, and whether other public servants are labelled the same way or are we merely directing our intention to employees of the private sector such as the oil company employees and what not. I should share with you facts about my members in the NWT . It was true that as early as 1975, I guess we could have come under the order of the bag and baggage mentality with no direct affinity toward the community we were living in and this sort of thing. Back then the average teacher was staying north about 2.4 years. Since that time the longevity of our members in the north has steadily increased. Right now the average teacher in the territories is staying in the north almost 8 years as a result.. you know I get this

information from last year's statistics. I expect the figure has gone over 8 now for this particular year. More of our members are building their own homes in the territories. We have almost 100 members now who have out of 700 that have in excess of 10 year residencies in the NWT and there is certainly major change and major attitudes amongst the profession towards northern Canada. Our teachers are beginning to say now we want to be part of the north, we want to make the north our home and further our career in the NWT, and I think the recent statistics uphold those facts and I suspect that the longevity of teachers in the north will certainly increase as they are now on the uprise and we would be certainly opposed to a 10 year residency requirement prior to being eligible to vote in an election or hold office in the NWT in light of that change in attitude amongst our members, in light of the statistics regarding the longevity. I guess I have two questions, one to the Dene nation again and one to Mr. Lal. First of all, is it the intention of the Dene nation the 10 year residency requirement apply to public servants such as teachers or are you merely mostly concerned with the transients of oil companies who may bring in about a couple of thousand employees in one community to develop a certain oil find under the land there, and to Mr. Lal if that is the case can we legally or place in legislation a ten year, a certain residency requirement for certain elements of the work force, another requirement for another element of the work force, if we should want to define those elements and what they are? Thank you.

MR. SIBBESTON: Mr. Reid are you implicitly supporting 8 years, if that is the average length your teachers are in the north. Mr. Erasmus.

MR. ERASMUS: The residency requirement that we have in the discussion paper Dene ndeh would be similar for everyone.

whether you were a Dene or an Inuit, if that, it would be within the boundaries of Denendeh or whether native or non native and whether you are a civil servant or work with an oil company it would be exactly the same for everyone. There would be no distinction between workers or people whether they are of one race or another. Everyone would have to qualify exactly the same. To do anything else would be purely discrimination. You can say that we are obviously very biased vis a vis the aboriginal people in the north with a high residential requirement, but you cannot label that kind of residency requirement as racist because it would be applied exactly the same to everyone. Obviously, because the descendants of the Dene and the other aboriginal people from the north find this their homeland, it naturally would be that the majority of our people would be eligible so we would not entertain a situation where we made distinctions between one type of worker as to another. Now the intention obviously of this residency requirement is to protect the long term residents, whether they are native or non native. It is quite clear that if the economy recovers probably one of the stimulus is going to be a strong northern economy. The resources in the north are going to continue to be developed and the work force in the north is going to expand. It just naturally has to and what we have as a basic driving interest is to protect the north and the long term residents to make sure that the government of the day is influenced predominantly by the long term residents.

MR. LAL: Mr. Chairman I would endorse Mr. Erasmus's comments that any legislation that distinguishes between residents on the basis of their profession or their occupation would be discriminatory and would offend section 15 of the Charter of Rights.

MR. SIBBESTON: Mr. McLaughlin and then Mr. Steen

and Mr. Bonnetrouge and then Mr. MacQuarrie.

MR. McLAUGHLIN: Thank you Mr. Chairman. Mr. Chairman. Just one thing first to Mr. Lal is I would like maybe a little bit more of clarification on residency and let us just take the extreme scenario where a person is up here working for a non renewable resource company for example, and he had his wife and family in one of the provinces down south, owned property down there and is probably even on the voters list in those communities. I know that it is very possible that, either by mistake on the part of the registrar of list of electors, or on the initiative of that individual, he could get himself on the list of electors. What could be done that is not presently being done to make it easier to prevent that person from voting, you know when it is an outright case of a person getting on a list of electors when he should not be in other words if that person swears that right now you can swear an oath at the poll and get someone else on the list of electors to swear that you are a resident for 6 months and be able to vote in the municipal or territorial election. What can be done to safeguard that from happening in cases where that persons claims now I have changed my mind , you know, 8 months ago I was a resident of Calgary but my wife and I are no longer living together, we are no longer happy, we are separated therefore, I am now a resident of Tuk and want to vote in this election. What happens ?I will just have the one question then I would like to ask Mr. Erasmus something.

MR. LAL: Mr. Chairman if the individual has in fact been living in Tuktoyaktuk for 8 months and generally feels that he is a resident of that community and in that belief swears an oath that he is a resident there is very little that can be or should be done because he is indeed a resident. However if someone swears a false oath and claims

residency when he should not, because he has not been a resident, then of course he is swearing a false oath and there are penal consequences of that. I believe there are elections ordinances at present that contain enough penalties for someone who does that, and the evidence ordinance would also take care of the situation like that. So I really would not suggest any additional legislative teeth. I think the tiger has sufficient teeth right now.

MR. SIBBESTON: Mr. McLaughlin.

MR. McLAUGHLIN: So that I guess legally or technically, a person that is on a two weeks in and a one week out situation could say these two weeks in are where I live and the one week out is my holidays.

MR. LAL: I suppose he could Mr. Chairman.

MR. McLAUGHLIN: Mr. Chairman, then my other question to Mr. Erasmus is on the 10 year residency and it was not clear to me when I read that whether the ten, and I am sorry if I am repeating cause I missed about half an hour here, is the ten year residency requirement to be applied generally so that a person could be a resident of one community and then move to another community, if he had already been a ten year resident. For example, he was eligible to vote in Fort Smith after having lived there for ten years but if he moved to Fort Simpson would he have to live there for ten years, before he could vote in a municipal election there.

MR. SIBBESTON: Mr. Erasmus.

MR. ERASMUS: It would be accumulative. It would also include the time that one would spend in the army, or in an institution of higher learning down south. Your residency, if it was the north and you went south to university etc. it would be considered, and if you

moved around with employment or otherwise because you wanted to move around, the total time would be added up.

MR. SIBBESTON: Mr. Steen.

MR. STEEN: Chairman, I am directing a question to Georges Erasmus. I realize that the Dene have been claiming the land north of the tree line, south of the tree line as their Dene land. I am assuming that anybody living in there is a resident of the Dene but I am kind of in the blue here as to how do I qualifyto live in Inuvialuit land, under the same government?

MR. ERASMUS:Well, as I was stating earlier, the northern boundaries of Denendeh could include the western arctic islands. It could include the Beaufort Sea and so residency would be based upon the time that one spent in the whole region, the whole area from the 60th parallel to include the northern most part of Denendeh, and if it included the Beaufort area, anyone that had lived in Tuk for 10 years or Tuk and other parts of the NWT, would be given the full mandate to run for office and to vote.

MR. SIBBESTON: Does that make you happy Mr. Steen? Mr. Bonnetrouge.

MR. BONNETROUGE: Mr. Chairman I would just want to make a comment here, a couple of comments. I think the purpose or the principle behind the residency of ten years as stated in black and white, it says the principle is for to serve the regions affecting all northerners. Decisions must be made by those who must live with the consequences of those decisions and those people would be all long term residents, and I believe the Dene of the north are pushing that, and want all northerners, particularly the long time northerners, that

have learned to work and live with the native people up here. I think in two or three years you cannot really learn the values and the traditions of the people up here. I think it is history will bear us out, that people usually exploit, people usually conquer other people for their own means, and I think the long term residents that have been living up north for at least ten years fully realize the needs and the aspirations of the native people and you do not learn that in two or three years. I think you have to learn it you could only learn it through an extended period of time, and ten years to some of us, especially to my community Fort Providence, may not be enough. I am not a very good story teller but a few days ago I met an RCMP member that used to work in Fort Rae. This particular individual as a member of the RCMP introduced himself in the dogrib language. I just about fell over. Those kind of people that work with the native people those kind of people that do make an effort to learn the language, culture they do not learn it in two or three years. I do not think it is humanly possible. That is why the native people are asking for a long term residency and I do not think you can learn it in the classroom, and I do not think you can learn it from the books that are sent down south from here. One other comment I would like to make again is I think the long term residents, especially among the white people understand and will probably support the native people in pushing for long term residency and like I said, maybe ten years just may not be enough but it is a starting point especially in regards to what Chris Reid said for the teachers, especially for people that have to work with the native people of here. Especially the social workers, the RCMP, the teachers and maybe politicians I do not know but especially for the people that really understand what we are trying to say for long term residency, all the people that work with people and that

native people.

MR. SIBBESTON: Mr. MacQuarrie.

MR. MacQUARRIE: Thank you Mr. Chairman. I recognize the arguments that Mr. Bonnetrouge made and I also recognize that the ten years that is asserted in the Denendeh proposal as asserted partly I suppose because when the document was prepared it was thought that the Dene would be negotiating that position directly with the Federal government. I think that there is an important truth in the whole process that all of us ought to recognize and that is the further outside of normal Canadian experience are the things that we try to pursue or whatever, it is in residency requirement or the style of institution or whatever, the further outside outside of normal Canadian experience it is the longer and the harder it will be to give effect to it. With the case of a ten year residency requirement, that is a long way out of normal Canadian experience. In the first place there would be road blocks with respect to that all the way along the way. It is obvious to begin with that many non-natives simply find that unacceptable. It is just too long, they said so, there is the difficulty of coming to agreement among ourselves as to what it should be but let us just suppose for the moment that all people up here said we will go for ten years. Then you have the difficulty of persuading the Federal government that is reasonable and acceptable and probably would be unable to do it and that would hold up what we are trying to do and meanwhile the very things that alarm us, the development and the influx of people and so on are going on because we have not been able to come to a resolution but even if we persuade the Federal government that it was reasonable and they accepted it someone may yet challenge it in the courts under the Charter of Rights and we

find it is brought to naught as well so there are all these problems with that particular residency requirement. In view of the passage of a new charter of rights and in view of the process that we are embarking on to try to come to some agreement among ourselves, could I ask Mr. Erasmus whether, because of these new developments and so on there is flexibility in that position, and to what extent of flexibility because it seems to me that the sooner we can reach an agreement that is acceptable to everybody, Mr. Steen says he thought two years was reasonable, Mrs. Robinson said even three years might be acceptable, that I suppose is not a firm legal committment or anything, but there are those kinds of thoughts going on. Now if we had the Dene Nation say as well that under the circumstances we see that as reasonable we might be able to move somewhere pretty quickly so could I ask to the degree of flexibility in that position.

MR. ERASMUS: There are times when the Dene Nation is portrayed as being run by a dictatorship, it is not. The position that we have put forth here is agreed to collectively, and if we were to change the ten year residency requirement it would be something that we would have to consult our people with. As we have said before, this position is a position which we are prepared to make concessions in within, we are prepared to negotiate and we know politically that unless we have the support of the large body of non native people, that pushing forth for any residency requirement that we do not have their support for it we will probably not be successful so we are open to reasonable suggestions but 6 years and a year or 6 months or a year to us are at the other end of the spectrum and just are not acceptable. The 6 month requirement

is something that a fly in/fly out situation could easily complicate. People could fly in and out for two weeks of the month and fly home for two weeks of the month right across the country as I know they are doing now and they would be eligible to vote, so perhaps I could leave it at that. The Dene are prepared to be reasonable but we would really like to see some movement from the other side, to see if we, if there is some common ground in the middle. I think the leadership that is here, Joachim and others are listening very keenly and I was also very pleased when I heard the representative from Fort Smith say that she was prepared to take a look at three years, to me that is a very definitive positive move and I am very pleased.

MR. SIBBESTON: Mr. MacQuarrie.

MR. MacQUARRIE: Yes just one follow up Mr. Chairman. What about the thought from the point of view of the Dene Nation of maybe making a distinction between the right to vote and the right to hold office. Is that a valid distinction in your point of view and one that is worth exploring a little more? The idea being slightly easier for voting slightly more difficult for candidacy.

MR. ERASMUS: Actually, we are putting down all of the options that are being thrown out, in fact for this area of our document and the other area that we already dealt with and that is a definitive possibility to take a look at separating the two. One, what would be the requirement for people to vote in elections and then two what would be possibly a separate requirement to be able to actually run and hold office. I think it is a possible alternative.

MR. SIBBESTON: Okay Mr. Jaque and Mr. Romeike and Mr. Wah Shee. and Mr. Watsyk I believe.

MR. JAQUE: Thank you Mr. Chairman.

I do not think there is any doubt that we have a consensus here that some kind of extended residency for the NWT residents is necessary at least something beyond a one year period. It is now a numbers game and as Mr. MacQuarrie pointed out we have had mentioned two, three and ten years. I would like to ask Mr. Lal to expand a little bit on what is discussed in the green book about the chances of first, getting a three year residency requirements passed into Canadian law and also the chances of going beyond that to a number greater than three years.

MR. LAL: Mr. Chairman as is indicated on pages 14 and 15 of the green book, if I may refer to it as such, there are two specific provisions in the constitution Act 1982 that deal with the question of the right of citizens to vote. Section 3, which clearly sets out that everybody has that right, and then section 1 which says that despite that provision, where the restrictions are reasonable and can be demonstrably justified in a free and democratic society, the courts would still uphold them as being constitutional. I also indicated that, to the best of my knowledge that the particular provision had not yet been interpreted by the courts, especially in relation to a residency requirement therefore I would merely be guessing or second guessing the courts in saying whether a three year residency period would be acceptable or not. However if it is any consolation I would say that it would be easier for us to persuade the courts to accept a three year residency as opposed to a ten year residency and certainly it would be easier to say 6 months as opposed to three years. I am afraid I cannot be more helpful than that.

MR. JAQUE: I wonder then if we could...

MR. SIBBESTON: I am afraid this delegation wants you to provide us with better answers. If you cannot provide us with

the correct answers we may have to get someone else. I am just kidding. Mr. Romeike and then Mr. Wah Shee and then Mr. Watsyk.

MR. ROMEIKE: I would just like to ask a question. Maybe it has been answered indirectly and I have not caught it. This residency requirement mean the length of stay, I might be up here for 10 12 years working for different construction companies but my primary residence is in Manitoba or Quebec, I would like to have an answer to that.

MR. LAL: Mr. Chairman if Mr. Romeike has been here for ten to twelve years I think he would have great difficulty in establishing his residence in Manitoba or Quebec.

MR. ROMEIKE: I could not hear it.

MR. SIBBESTON: Could you please say it again.

MR. LAL: Mr. Chairman what I was saying is that if Mr. Romeike has stayed for, or lived in the NWT for 10 to 25 years as he stated that would be overwhelming evidence that he is a resident of the NWT as opposed to Quebec or Manitoba.

MR. SIBBESTON: So you are okay.

--LAUGHTER--

MR. SIBBESTON: Mr. Wah Shee.

MR. WAH SHEE: I was going to say, Mr. Chairman that under residency I think that we as various groups, interest groups can perhaps negotiate amongst ourselves but the final analysis I think that whatever residency we arrive at has to hold up in the courts and that basically takes out takes it out in our hands, of the Dene people, Metis and Inuit as well as the non native people. So I think that we can negotiate all we want in terms of ten years, five years or 6 1/2 whatever the case may be and but the way I read things and I may be wrong but the way I see the situation is that in terms of the residency is that

anybody in the NWT, once we confer amongst ourselves and end up negotiating the residency with the Federal government, is that anybody in the NWT can question and take the matter into court. Really what we are dealing with is not solely the political kind of arrangement among ourselves but also it requires a legal question... I think that I would not support ten years and I am a Dene person mainly because I do not feel that it would hold water in the legal, in a strictly legal sense. So I think that we have to work out an arrangement which takes into consideration the concerns of the native people, and at the same time I do not think we can leave the whole thing wide open for 6 months to allow all these transient people from the south to come into the north and in 6 months they can vote, run for office and take over our communities. So I think obviously there has to be a halfway point where the concerns of the native people have to be met and also we can abide by the new constitution that has been brought into Canada so that we are not dealing with something which we are pulling out of the air and we are dreamers. I think that we have to deal with reality and unfortunately the reality is that we have to deal with the constitution that has been brought into Canada and so I think there is room to work out a compromise among ourselves and I would hope that you would keep that in mind. The other thing is that I am a little concerned that we have 13 items under the agenda and tomorrow we are going to be concluding and we have been it seems to me that we have been spending a lot of time on items 1, 2 and 3 and I do not know whether we will be completing the total agenda. So perhaps we should decide that we will spend so much time on each agenda item so that we can complete. Unless we decide in the conference that we should do away with some of the items.

MR. SIBBESTON: Thank you Mr. Wah Shee. Now Mr. Watsyk.

MR. WATSYK: Yes I was wondering if this discussion on this topic is gone far enough to give the Dene nation representatives give the territorial legislative councilors,some insight as to the, concerns that we all have. We have identified the areas of concern such as to say the right to vote to be shorter to be a candidiate, Would these groups be able to get together with legal people and come up with some other suggestion as we have already done with aboriginal rights and leave it to you people to negotiate? Have we given you enough guidance?

MR. SIBBESTON: Thank you Mr. Watsyk. Can I take the liberty at this time to see if there is agreement on the subject thus far. Even in a very general way. Is there agreement to try to extend our residency requirement to a reasonable amount or to a reasonable time to guard against large and rapid influx of people? Is there agreement Is there agreement to try to extend a residency requirement to a reasonable time, for elections,to guard against large and rapid influx of people? And recognizing what had been said here today,there has been some suggestion of three years, some suggestion of two years, some suggestion of 8 years,some suggestion of 25 years I think. No but basically .... I am just kidding. Actually there is serious talks of 3 years and 2 years. Mrs. Sorensen and Mr. McBryan.

MR. SORENSEN : Mr. Chairman I have listened very carefully to the discussion that has taken place with respect to residency requirements and as an MLA the consensus that I have come away with is that most people here feel that a residency clause longer than one year is appropriate. I have not heard any one say it should be one year or 6 months. Now the time is now to say that if that is the

feeling then it should be saidbecause the consensus that I come to upon listening is that longer then one year is acceptable to this conference and that is what I will go away with. Unless the other is said.

MR. SIBBESTON: Okay, Mr.McBryan.

MR. MCBRYAN: Thank you Mr. Chairman. Again from the Hay River delegates we in our review in the Hay River district it was one year and that was what we came with, howeverwe are quite prepared to go along with the two years but I cannot see where we could go with any more.

MR. SIBBESTON: Okay let me try again then. Is there agreement amongst delegates that we attempt to extend the residency requirements for elections in any future governments beyond one year, to a reasonable amount. Is there an agreement on this? Please indicate by raising your hands if there is agreement.

MR. MCBRYAN: Would you phrase your question again please.?

MR. SIBBESTON: Is there agreement by delegates here that we should attempt to extend the residency requirements for elections beyond one year to a reasonable amount to a reasonable amount of time lets say permitted by the Canadian Constitution. Does that satisfy you. We of course are all bound by the Canadian Constitution in the end anyway. But we are saying I think it is generally that one year is not enough and that we ought to try to seek a longer period than one yearup to a reasonable amount. Like some people have said 2 years, some people have said 3 years.

MR. MCBRYAN: I think that 2 years is a reasonable amount.

MR. SIBBESTON: But there are some people that think 3 years is a reasonable amount, others that think 10 years is a reasonable amount. But in the end let us say it is the courts that could have the final say if we are going by the constitution. Is there agreement? Please indicate by raising your hand. Please indicate high because I cannot see. Twelve. Okay all those against please indicate. Okay four. Okay the motion or the idea passes. Mr. McLaughlin.

MR. McLAUGHLIN: Mr. Chairman I beg to differ with having this agreement and stuff like this. You know if we are going to get anywhere here let us have somebody make a formal motion and second them and deal with it like that. Agreed to what? You do not even know.

MR. SIBBESTON: Mr. McLaughlin, I would like to suggest perhaps that it is not necessary at a conference like this to make, oh people can make motions if they wish, but I think the general intent of meetings like this is to come to some general agreement without tying anyone down specifically, because obviously we all have to go back to our communities and have public talks and discussions, so I am sure you cannot bind your electorate to the period that you want, so these are just general loose agreements to give people a general idea of the thinking of the people that sat here today, Mr.McLaughlin.

MR. McLAUGHLIN: Well the point I was trying to make yesterday was that what we should be doing at this meeting is dealing with some general issues like, for example, who should negotiate with the Federal government on constitutional rights, and have motions like that on the general principles, and here we are dealing with fine details. Really the residency requirements is a detail when you consider the overall

picture.

MR. SIBBESTON: Mr. McLaughlin if you want to talk about that subject you are perfectly free to suggest that,in fact, as the next item of business. Mr.McLaughlin.

MR. McLAUGHLIN: Well,yesterday I suggested what we should do was deal with general main principles rather than go through any paper and start picking out little details that one or two people do not like and want to talk about.

MR. SIBBESTON: Are you suggesting that these matters we are talking about are little matters.

MR. McLAUGHLIN: They are details that may be important details,but if we do not deal with the big issues first,who is going to negotiate the constitutional rights in the NWT then why are we bothering to talk about the details first.

MR. SIBBESTON: Mr. Watsyk.

MR. WATSYK: I am wondering if the members present would more unanimously agree with the last point I made, we leave it to you people,the Dene Nation, legal people to get together and see what is a reasonable sort of proposal? Keeping in mind what we have discussed for the last hour or so. Is there a unanimous agreement on that possibly rather than the divisive sort of reaction we had the question you put?

MR. SIBBESTON: Obviously it is suggested that the Dene Nation be involved in this.. would the Dene Nation be agreeable to such....

MR. ERASMUS: The question that was just put

before us is that, Jerry and I did not vote because we preferred at this time not to vote for the motion. It was a very positive motion and we wanted to see how the rest of the people here were going to go with on that motion. We were very interested in the vote obviously, and we are prepared to live with the results of this. I think the majority of the people here feel that the present legislation that says one year residency is required to vote in the territorial elections is not enough We have heard people say possibly they are prepared to live with 2 years We have heard others say they are prepared to live with 3 years and we know that the Canadian constitution is going to play a role in this and so what one has to keep in mind is that there has to be some sort of reasonable compromise, and I feel quite pleased with the vote and by the general tone of the discussion. This conference is significantly different than that the one we held a number of months ago,so I am quite pleased by what took place and we are going to be instructed by it regardless of what we do from here on in. Personally,I am not hung up on whether or not we go through all those items that we have before us. Whether or not other people found this discussion today useful the two items we discussed the three items, first the principles, then the senate or a replacement for the senate, the residency possibly of a western government are very important,and we are glad to go through here.So even if we continue on with the agenda,as already has been agreed,and we deal with two or three more items tomorrow in the same way the Dene Nation would have felt that this was profitable. Thank you.

MR. SIBBESTON: Mr. Watsyk I am not sure if we dealt with your suggestion? Do you still feel... or would you be satisfied with what had been generally agreed to on that, that there be an attempt made to seek a greater residency clause further than one year?

MR. WATSYK: Mr. Sibbeston the last two items they

are both going to be treated the same way. You people are going to meet and discuss and take it from here? Is that correct?

MR. SIBBESTON: Yes.

MR. WATSYK: I think that is as far the meeting can go now and it is sort of with you people for a while. Thank you.

MR. SIBBESTON: Mr. Steen and then Mr. MacQuarrie.

MR. STEEN: Mr. Chairman I would just like some clarification on the working paper under residency requirements it states a person must have lived in the territories for 10 years and a community for 2 years but under the Dene proposal it is live in Denendeh for 10 years and I am asking this in relation to would the fact that you lived in the Eastern Arctic before Denendeh was established, count as in your 10 years? I mean I just want clarification on this.

MR. SIBBESTON: Mr. Erasmus.

MR. ERASMUS: I guess it would be a matter for the governments of Nunavut and Denendeh to get together. If we were going to give their residents rights to vote in the west we would expect the same in the east, because you are having a situation where you are creating two new political entities out of one that used to exist before. The Nunavut proposal when it first came out, talked about a residency requirement of 20 years and so if someone is living in Frobisher Bay working with the government, that is not Inuit, was not born in the Eastern Arctic, but formerly spent a number of years working throughout the NWT in different postings, Yellowknife, Inuvik, Smith etc. and accumulated 15 years doing that and then spent another 5 years in Frobisher Bay and the voting requirement for Nunavut was 20 years would they let that citizen vote

there.? It would seem to me we would probably want to have reciprocal rights. Personally I would be open to discussing and looking at something like that.

MR. STEEN: Mr. Chairman all I wanted to know really was whether that was a misprint. I am willing to accept the Dene proposal of 10 years, I just wondered if that was a misprint.

MR. SIBBESTON: I was going to say, just a closing thought half in jest. It has to be who has been 10 years in the area that he has been living. Obviously if you just set up Denendeh and you say 10 years in Denendeh nobody will be able to vote. They have not been there. It was just created. So it will have to be in the territories and I am sure there can be an agreement with Nunavut you know. So can we conclude on that note ladies and gentlemen. Mr. MacQuarrie.

MR. MacQUARRIE: Thank you Mr. Chairman. Just one last point. Hopefully we do not run into the problem tomorrow. I recognize Mr.McLaughlin's concern but I do not think that we really need to be concerned about it. I feel it would be wrong to become too legalistic in our approach to what we are doing here because in the final analysis what we are doing is not legally binding on anybody. And so the main purpose is to get a kind of expression of opinion and feeling from the people who are here and I think the purpose is precisely as Mr. Watsyk defined it that finally those who are involved in the detailed work will have some indication of how people felt in dealing with it and I think that informal agreement is my suggestion would be to proceed with it.

MR. SIBBESTON: So ladies and gentlemen I would like to conclude this conference now. I would like to thank the witnesses, Mr. Lal and Mr. Noseworthy for their excellent information. --APPLAUSE-- And the conference can reconvene tomorrow at 9:30 a.m.

DAY THREE -- September 16th

MR. SIBBESTON: Morning ladies and gentlemen. Today of course is the final day of the conference. I would like to deal with the possible agenda for today. I have had discussions with some of the delegates here as to what they want to have done today and as far as the Dene Nation, they would like to deal with at least 2 more aspects of the Denendeh paper and if you have the draft the topics for discussion before you, It is number 5 and number 10. The number 5 is guaranteed seats, guaranteed representation and number 10 is government in the style and tradition of the Dene. These are the two things that the Dene Nation would like to have dealt with at this conference. Other possible items for discussion after that is the City of Yellowknife's paper and any other papers that have been presented by delegates. After that then there is the role of political parties, then the role of the Legislative Assembly in constitutional development, and then any other matters after that. Do the delegates feel that this would be a reasonable agenda for today or do people have any other suggestions? Mr. Reid.

MR. REID: Thank you Mr. Chairman. Yes, one topic I would like to deal with briefly today would be the topic of multi-culturalism as it applies to government and I am proposing that I present a paper on that topic, and what I hope to achieve at the end was for the assembly to consider the adoption of the 7 principles of government related to that topic.

MR. SIBBESTON: Mr. Reid could that be placed somewhere down the list perhaps after the role of the Legislative Assembly in constitutional development ?

MR. REID: That is fine with me.

MR. SIBBESTON: Is it agreed then that we should follow the proposed agenda that I have stated. Mrs. Robinson.

MRS. ROBINSON: Agreed.

MR. SIBBESTON: Okay, there appears to be general agreement . We have our witnesses here again, Mr.Lal and Mr. Noseworthy. Could gentlemen again take us through the subject of guaranteed representation please.

MR. LAL: Thank you,Mr. Chairman. Mr. Chairman, delegates will find reference to that on page 22 of the working document. Under sub paragraph A the working principle is set out. What is essentially proposed, the political system proposed is based on the fact that the Dene are the original inhabitants and their descendants are still the majority of permanent residents in the area and are thus entitled to a form of public government reflecting that majority. There is recognition, however,that at some time in the future the descendants of the Dene may be a minority in their own homeland. It is assumed, although not all that clear,that guaranteed representation is sought to provide them with a continuing voice in the government of their homeland in perpetuity. Mr. Chairman it is proposed that a fixed percentage of seats be allocated for people of Dene descent. The process would be by an election and only the Dene would have a right to vote for those reserved seats. The description,Mr. Chairman,is set out in paragraph B and in my view it would be unnecessary to read it out.

MR. SIBBESTON: Is there any discussionon the

subject. I suppose one possible approach is to have the Dene Nation explain their views on this matter. Guaranteed representation.

MR. ERASMUS: Mr. Chairman, the concept we are putting forth here is not a new one in the tradition of trying to find ways of making sure that either minorities or aboriginal people or special groups have representation. If they have difficulty, for one reason or another, to have representation on public, democratic institutions Even though the Dene are the majority in the communities, there was a time, a couple of years ago, where you would go into the small settlements and you would find that the settlement councils were completely controlled by transients. You would find teachers, RCMP, local contractors, local civil servants, predominantly english speaking, that understood the process of Robert's rules etc. sitting on the local government making the decisions for the community and you know it just was a very strange situation. Most of these people that were making decisions on the way the community should look, the town planning etc., would leave in not too long. There has been a great improvement since those days. The majority of the small communities now find the situation where the local people put their own people in office but you still find in many of the communities, where there is a mixed population, that the descendants of the Dene do not get on council. They do not get on the town councils. They do not get on the larger municipalities local government councils, and we can see a situation where it could get worse as the population continues to grow and we have been seeking ways and means in which we could live with the system that is here, in at least the larger communities, but somehow or other to have the Dene plugged in. And it seemed to us, one way would be to guarantee a certain number of seats that the Dene could place the people on, and there

would always be some participation. We suggested 30%. It obviously would not be the majority. It would not be a guarantee that the Dene were in control of the local government but it would guarantee that there would be participation, and that is the intent of this section. Also we outlined a number of options on how it might be possible to make sure that the total population in any given community would participate and would be represented on local councils. Possibly the ward system, possibly a combination of the ward system and a special interest groups appointing their own people and of course the normal practise of public elections of one vote one person. But the intent of the 30% seat is to guarantee that the Dene would always be involved regardless of the population change in the future.

MR. SIBBESTON: Mr.McBryan.

MR. MCBRYAN: Thank you Mr. Chairman. In following that discussion, on the discussion on page 23, the second paragraph, there is a question arises there in my mind the Denendeh proposal for guaranteed representation proposes some potential problems. There is no difficulty in principle, of the idea of guaranteeing the Dene a voice in government but using a guaranteed representation to retain substantial control of the government the Denendeh could run into difficulties with the principles of representative government. This intention of the proposal is not clear. Could you further elaborate on that please

MR. SIBBESTON: Mr. Lal.

MR. LAL: Mr. Chairman that paragraph refers to section 3 of the Constitution Act 1982 which gives every citizen of Canada the right to vote in an election for the House of Commons or a

Legislative Assembly and to be qualified for membership therein. It would appear therefore, that every time an election is held for a Legislative assembly every citizen of Canada could claim that he has he or she has a right to participate in that election. If 30% of the seats were reserved for the Dene in the national seat of the NWT or Denendeh presumably every citizen could complain that he has been deprived of the right to vote for that election because the voting list comprises of people of Dene anscestry and that is what the reference is to.

MR. SIBBESTON: Mrs. Sorensen.

MRS. SORENSEN: Just on that answer then, just to follow it through a bit further, If the Dene were able to negotiate the guaranteed seats on the legislative assembly that would be established in their claim,would that take precedence over the constitution.

MR. LAL: Mr. Chairman the constitution makes specific provision for that,if that actuality in that section 25 says that any guarantees set out in the charter would not abrogate or derogate from any rights or freedoms that may be acquired by the aboriginal peoples of Canada, by way of land claims settlement. Mrs. Sorensen is therefore correct. If such guarantees are negotiated in a land claims settlement,they would take precedence over the general provision of section 3 in the act.

MRS. SORENSEN: Mr. Chairman, my question then is to Mr. Erasmus. Mr. Erasmus have you explored that possibility with Mr. Munro with respect to the land claims settlement. I know that the Federal government has been quite clear that they will not negotiate under the aboriginal claims constitutional or political development but has the very narrow aspect of guaranteed seats on any legislative assembly in the NWT been discussed and is that path still open to you.

MR. ERASMUS: On bodies like the Legislative Assembly. The most significant party to deal with first would be the non native people living in the western arctic. If we had some support for that idea I do not really believe it is going to be hard to sell it with the Federal government. The idea of guaranteed native seats on different institutions of government has been around for a long time and I would not be surprised if it is one way in which the Canadian constitution conference that Trudeau and others are organizing is going to be looking at for protecting aboriginal rights,because you know you look at the House of Commons and you look at the provincial legislative assembly. There is one thing they are all similar in,is that they virtually do not have any native people in it. It is quite amazing and that is why the NWT and the Yukon are really so unique in this country. and so as I started out saying I think the first hurdle in guaranteeing aboriginal people continuing participation in government through some guaranteed seats are the local residents that are not aboriginal and if we were to have a fairly sympathetic support here for that idea,it would not be hard,I think,to convince the government that it is a right that we should receive. and it is a right that could be protected as a right either through the claims process or through the Canadian constitutional process and it would be protected by the constitution. It would be protected to the point where it could not be challenged and modified at some later time except if obviously the premiers and the Prime minister of the day decided to modify the constitution to that extent. So you know this is why we are participating in this conference because we know that the north is going to have to have a fairly unified position and so the first hurdle is here. The Feds have always said, well no political or constitutional discussions at the aboriginal table. One of the

reasons was because obviously when we are talking about forms of government we are talking about forms of government that everyone should participate in and this is the form for that. The government has never dismissed the possibility of guaranteed seats for native people etc. What they have stated is that the proper place to deal with that is not at the negotiation table. They have not cut out any options or alternatives to forms of government in the north. In fact, the last time we were in Ottawa and we had some preliminary meetings with some of the cabinet ministers including Munro and Trudeau, they made it very clear that the possibility for exciting changes in government were more possible in the north than anywhere else in Canada because it was more likely that we would come to some kind of agreement up here and the only disagreement between ourselves and the Federal government ever in this area was at what table we should be putting forth these kinds of idea and concepts of government so I think the options are open to us but the first hurdle is for us to decide what we want together.

MR. SIBBESTON: Mr. Ballantyne.

MR. BALLANTYNE: I think this is a very interesting area and there are obviously precedents in other jurisdictions where this sort of thing has worked fairly successfully. As mentioned in our paper in New Zealand the Maori are guaranteed 4 of the 92 seats as we understand it the Maori's have a choice either to there is a Maori voters list, they can either go on that one and vote directly for those 4 seats or they have the option of going on the other one and voting in an ordinary election somewhere else. That seems to have worked very well. I think it is one of the most successful countries where the aboriginal people have been protected. You know I think it is one success story. I

think for the sake of this conversation I would like to separate the two concepts of how we do it territorial wide and how we do it municipalities. Now looking at it at the territorial government, I do not have a major problem with the concept, now I think when we come into the percentage there could be a problem. 30% may be too high. Another way I think of doing it if we could ever come to some agreeable number whereas now I do not think at the territorial level there is the problem and perhaps the way to look at this is that if for instance there is a big influx of people coming from the south in the next few years and the demographics change, at a certain point this would kick in. Probably it does not matter now but if it ever gets to a point where the native people are being swamped then you could kick in that ultimately they are guaranteed whatever 20% ultimately that will happen and until it gets to that point you would not have to put it into effect,but so there is ultimately, that no matter what happens in the next 50 years it will ultimately be guaranteed a certain number or certain percentage of seats. I think that may be one way of doing it. At the municipal level I think it becomes difficult. There are some interesting ideas here. The concept of a ward system or a partial ward system is something that has been used again in our tradition . I think some of the numbers of each ward of 300 people could be very unwielding. The problem with a huge council it becomes very difficult sometimes to come to any agreement and I think that 30% in Yellowknife I think it would be, I would conceive it and I think the people here would, a little bit high. I think the native population in Yellowknife is about 10%. Now there are ways if you look at one area of Yellowknife lot 500 there are other options. There is the option of a partial ward system where, for instance you could have one seat guaranteed for the people of lot 500 that is one option. Now we are in the midst of

discussions with the people of lot 500 as they have shown some interest in the possibility of amalgamating and forming their own community, which is another method of protecting their rights, but again I do not have a problem with the ultimate principle. I think where my problem and the people of Yellowknife's problem will lie is the mechanisms and the number of seats. That is my comment at this time.

MR. SIBBESTON: Thank you. Mr. McBryan.

MR. MCBRYAN: Thank you Mr. Chairman. I would have to concur with a lot of the statements made by the Mayor of Yellowknife And Hay River does support, in some way, and will support, in whichever way they can in the position of where the boom situations arise and I think as we mentioned in our opening addresses, the province of Alberta has aboom town policy set up for these oil towns burst up over night, and the inhabitants are protected in their forthcoming election by the policies they have set down, and I think that could be incorporated into the NWT, But I also feel that in taking in Hay River, for instance, we have a unique situation. We have the only reservation within the NWT. Now they have their councils, they have their band councils and we have our municipal council. Now the door is open at all times to participate in the municipal council and we would appreciate the participation that they wish to come forth. However, my feeling is in the years I have lived there , that they were quite satisfied with the administration that was elected They participate in the election, and as I said time and time again before the door is always open for participants of the area across the river, the native village there, to come and participate. We would welcome and we do encourage but we cannot get any response, so to say that 30% I think is high, I would encourage and continue to encourage participation from the boys across, the people across, the river there and those who live

in the other areas of the town, but 30% Ifeel is high also but I do support and I am sure that Hay River does too, their right and their participation in all communities councils, but that 30% does appear to be high.

MR. SIBBESTON: Mrs. Robinson and then Mr. Blondin.

MRS. ROBINSON: Mr. Chairman, I have an interesting comment. Under the present system we have a metis vice president and we have a band chief who have run and won a seat under the present system, and they do not seem to have any difficulty with it.

MR. BLONDIN: Well, my first comment would be that then Fort Smith is unique but also that the very first motion in the at this session here was that the adoption of the principles that was voted on and one of them was that the rights and freedoms granted in aboriginal land claims be protected in law so we are going back to our principles again, also I think that we have crossed one hurdle in here that in the discussions with Munro that this thing could not be discussed and it could be discussed at this table. I think the general consensus here that the principle is right; that there should be representation, I think now we are at a point now where I think 30% is too high actually. I want to ask Georges Erasmus whether if this is one of the points where we could meet halfway and is this one of the things that could be discussed?

MR. ERASMUS: Well obviously this is something which we can discuss and the Dene have not taken an absolute hard line position on it but we are looking at provinces like well we are looking at the provinces. There is in this country I guess maybe 2 million people that are descendants of aboriginal people and where does that reflect itself in governments in this country. We are as large a group in this country

as many immigrant groups that have come from other parts of the world and our interests never really get protected.So what we were envisaging in the north was since we have such a small population of aboriginal people living right in the north say 15,000 at the most if the COPE people do not come with us, and looking at work forces like the Beaufort Sea where they might bring in 15,000 workers overnight, they will not vote the first year, they will not vote the second year if the Dene compromise and we say three years after the third year we have 15,000 voters in the Beaufort area and the total Dene population is 15,000 we are not all voters. So we are looking at, in our lifetime the face of the north could change dramatically and I guess we really do not want to repeat what we have seen down south.We would like a situation in the north where our grandchildren know that they will always participate in government. They will always have guaranteed seats, whether it is at the community level or if it is at the level of the territory or the province. And it will not matter if the population changes. So if we say 30% is too high,then what is a fair representation? The way that the Dene are approaching this is we see the discussion of the kind of government we are looking at for the future as a government that will govern the homeland of the Dene. A government which we will recognize and put our faith in and we will not criticize and say that is not our government. We want something that is dear to us that we will put our full support behind. We do not want to be outside of that institution saying pointing a finger at it,and saying that is not us. That is not our government. This is our land. There is no other land that belongs to the Dene and the government

of the day on it we want to point to it and say that is our government. We believe in it. We participate in it. It protects us. And so we are trying to find ways to make sure that does happen to us. We think we are in a unique situation because what we are doing now is, at this late date, we are negotiating our way into confederation. This should have been done at the time of the treaties but we can possibly correct it. Another way is, possibly to say the Dene could have guaranteed seats that reflect their population, but if the population expands drastically in the north, if we have some technological breakthroughs that changes the climate of the north, so that not only the descendants of the Dene and the Inuit and the long term northerners can live with this climate and people are flocking here for work, this could easily become the next place in Canada where we have the fastest population growth of immigrant workers and we could be left completely in the cold. There are probably less native people here then in most places in this country, we will have an even further insignificant role to play up here than native people do in southern Canada, and we want a guarantee now that the people that come after us in the future 20, 30, 40, 50 years fron now are not going to be left out of things so perhaps 30% is a little high. What is reasonable? As for local municipal governments, I think it is probably worthwhile to give very serious consideration to different approaches per community but always with the intention of participation. I think it is not enough any more to say that the communities government has good will to a large portion of the community and they can vote they can run but somehow since

the start of the community there has never been one of their representatives sitting on the town council. I do not think that is good enough anymore. If the Dene even when there is significant portion of the population do not have people sitting on the town council what will the situation be like when there are less than 10% of the population in that community.?

MR. SIBBESTON: Mr. Stewart. and then Mr. Steen after.

MR. STEWART: Thank you Mr. Chairman. I have been having some great difficulties with this conference on a couple of points. I assume that it is the thought of everybody here when we are dealing with Denendeh, that the consensus is the division of the NWT is going to take place basically on the boundary lines that the Indian Brotherhood have set forth on their Dene proposal. Of course we do not know if this is going to be so and the word Dene appearing continually if in fact the division of the north which is quite conceivable might take place on a North/South line it would include in the western arctic a lot of Inuit people and change the whole picture with regard to decisions of this natore. Now if Dene meant aboriginal people this would clarify a point in my mind but it does not. It says Dene. So we get ourselves and the whole thrust of this meeting is in part throw it out of focus, because we do not know where those boundaries are going to be and we do not know who is going to be included in those boundaries, and to make any concessions directly to Dene per se rather than aboriginal people has caused me a great deal of difficulty during this conference because really until that line is set what are we talking about. Now we might come to an agreement here and the Dene are protected according to the conference yet if the lines are drawn in a different manner what happens

to the rest of the aboriginal people.So this is one problem I have had with the conference so far. Secondly this percentage, when you start dealing with percentages of seats or anything of this nature it is a very difficult subject. I mean its, Georges here has reflected that, inasmuch as there has been no representation on many municipal councils in the past by native people he feels that their rights must be protected well I have experience in this regard. To my knowledge every time a native person has ran in the town of Hay River they were elected so it was not a matter of fact that they were outvoted at the polls in places like Hay River, where I presume for most of the period the white people did not have a majority but it was the fact that there were no native candidates. That is very dam difficult to elect somebody that will not run. And this is a matter of fact in the area I come from. I know this to be true. So whether there is any real necessity to afford this protection or not it is a debatable question in my mind because I have seen this for well some 30 years in municipal politics and I believe that we had two people at different times run for municipal council and both of them were elected and unfortunately the system was pretty complicated and I think they felt out of place in the situation. I will be that honest. I presume in part maybe they did not fully understand it and but those things are changing rapidly because these people are coming up are quite able to take their place on these seats through education, through our schooling systems and so on that have been in place now for over 20 years but if you bind it and make an agreement where you are going to say 30% 25% it really does not make any difference what % it has got to be related in my opinion to the percentage of the population that are there that are representing. Now it does not necessarily have to be an equal basis. Georges said well they had 20% of the

population they should have 20% of the seats, well that possibly I could buy that but maybe it should be 10% of the population as long as there is 10% or maybe there should be 15%., but there has got to be relationships someplace by the number of people by the number of voters that are there and the number of seats you are going to have. You just cannot arbitrarily say we have 1% of the population we are going to put 30% in the assembly. That obviously cannot be a good situation. That is going to cause nothing but trouble so there is no sense in us trying to line up now to give us trouble 20 years down the line to everybody else, and once these things get into the constitution they are basically cast in stone. They are very hard to be moved around so you have got to be very careful when you are dealing with something of this nature. I suppose to agree that there should be some guarantee for native participation again not Dene necessarily, but aboriginal people I think that everybody basically agrees, but percentages unless they are linked with the percentage of population, is very bad and I think we should be very careful.

MR. SIBBESTON: Mr. Steen.

MR. STEEN: Mr.Chairman I address my question to Georges Erasmus. Can I assume that this section dealing with percentages you are only talking about communities the Dene have traditionally lived in ?

MR. ERASMUS: No we are talking about any community that would be created within Denendeh and also in referring to what Don Stewart was bringing up the question of where we use Dene meaning aboriginal people I do not think we have any problem with that because if the Beaufort area obviously becomes part of Denendeh and any rights that have been achieved for aboriginal people we would extend to

those people in that area so the COPE membership would enjoy the same aboriginal rights as the rest of the aboriginal peoples in the valley.

MR. SIBBESTON: Are you satisfied Mr. Steen? Mr.McQuarrie and Mrs. Robinson and then Mr. Watsyk.

MR. MACQUARRIE: Thank you Mr. Chairman. Just a couple of points. One of them I know that Mr. Erasmus keeps referring to Denendeh because he would like to see that as the name for a western arctic territory and indeed the territory will have to have some name some day and I am sure that given Canada's tradition where even the name of the country and the capital cities and some provinces are native names there probably will be no problem at all in selecting a native name for a western arctic territory but I know that the use of that name now does confuse some delegates because it seems to keep carrying the implication in that when the name is used that implies that all that is in the Denendeh proposal will be adopted, and I think that is not what is implied at all and perhaps it would be better if we just referred to it for the time being as a western arctic territory. That might help to eliminate a little confusion. I agree with Mr. Stewart in that again I reiterate that I am very hopeful that the Inuvialuit will choose to be part of the western arctic territory. I think there are good reasons why we should want them to be part of the western territory and why they in fact should want to be part of a western arctic territory and if they do then Mr. Stewart's point is precisely correct, what we would be talking about is if the principle were accepted guaranteeing aboriginal representation and so there could be if a figure were set, presumably that would be a figure of guaranteed aboriginal representation and then a sub division would be made as to what part of that was Dene and what part may be Inuvialuit. I think that there is not a really

difficult problem in working out a formula eventually because, in fact, a statement could be made that the representation will reflect the population so that you would develop your constituencies along those lines. The order is given that the representation must reflect the population but that it shall never be less than 10 % you know, of the total or something like that. That is precisely the way it is done in the House of Representatives in the U.S. where the representation in that body is according to population but each state is guaranteed that it will never have less than 2 representatives. You know, no matter how insignificant the population of Delaware is compared to the total population of the United States they will always at least have two seats in the house of Representatives and so you know some sliding scale like that could possibly be introduced if most people agreed that there should be some sort of guaranteed representation.

MR. SIBBESTON: Mrs. Robinson.

MRS. ROBINSON: We may be unique and if we are unique I am proud of that because we tend to vote on the quality of the person. At present time or in the not too distant future or before this has happened we have had three native persons who have run under the present system and have been voted on if you want to say by everybody voted on but by white people as well as native persons. I concur with what Mr. our MLA from Hay River has said, but I am glad of being in the position of being unique and proud of it.

MR. SIBBESTON: Thank you. Mr. Watsyk.

MR. WATSYK : Thank you Mr. Sibbeston. Well after listening to the discussion this morning I am wondering if we have given the different groups enough guidance. Could we leave it with them at this time. The idea of having a sliding scale of guaranteed representation say going

from 45% down to say 10% depending on population. I do not think Fort Smith is that unique. We had a good representation right from the time we started, and as was mentioned here, it is a learning situation. We had people like the late Ted -- on our very first council who took on all council because we had about 9 or 10 applications for the secretary managers job, some highly qualified people from the south and he argued with them, okay put these aside, sure some of the businessmen said we want to get the best service for the least amount of money, which was a valid approach but he put these aside and we looked at two northerners. The next day he told me, well gee if they would have not followed him he would have resigned. Yet he argued his point. He argued it efficiently; he argued it honorably. He won his point. We have had people like that on council and it is not just natives that have run and got elected. We have had natives who have run, there is white people have run and not gotten elected. It was strictly by merit. This idea of a guarantee I sometimes wonder are hunters going to go moose hunting, he has to leave his house, he has no guarantee he is going to get something. There is a certain vitality of running for office and so on, but I appreciate Mr. Erasmus' position. In time there might be a minority so could we start even say at 45% and work down to the 10% based on population and so on. Could we leave this with you people and may we say we have gone far enough on this topic this morning.

MR. SIBBESTON: Mr. McCallum.

MR. MCCALLUM: Mr. Chairman I would just I guess maybe carry on from what Mr. Watsyk had said. I think the issue is guaranteed seats, guaranteed participation either at a municipal level or at a territorial level or a western arctic level if you like. What ever the name comes about. Greater participation than is presently

in vogue and I do not think that is unique to Canada. You know there are guaranteed seats in the confederation now amongst provinces and the classic example of course is Prince Edward Island. It was guaranteed, it is guaranteed, and it will be guaranteed 4 seats in the House of Commons. It bears no relationship to the population of Canada. In 1867 or 1982. The population of PEI when it entered confederation was approximately 100,000 people. It was guaranteed 4 seats. The population of PEI today is about 120 or 130,000 whereas the population of the entire country is approximating 28 million but PEI has a guarantee of 4 seats, a guarantee for a particular group of people following a particular way of life, if you like, and everything else. So I do not think the issue is the process whereby you get that guarantee. The issue is to insure that there is a participation in government in the NWT greater than is at the present system and I do not have that great a difficulty and I do not think that is foreign to Canada. Certainly, as Mr. MacQuarrie said, it is not foreign to the United States, both democratic countries.

MR. SIBBESTON: Mr. Romeike and Mr. McLaughlin.

MR. ROMEIKE: Yes Mr. Chairman. I just cannot see where we can guarantee 30% representation where you have not got the native population. Now we have had a native sitting on council for the last 10 or 12 years. He even served as mayor for 2 years. He is always interested in local affairs. Now how can we get the other 2 seats? On a council of 8 it would mean 3 councillors would have to be native. Now how are we going to fill those seats if you cannot get them to come out and participate in council proceedings or public meetings? You do not see any of them there. Now how are we going to fill the seats?

MR. SIBBESTON: Mr. Romeike. I appreciate your positic in Pine Point where perhaps there are not perhaps that many native

people but I wonder if you would consider other communities down the MacKenzie Valley, where there are a large number of native people, and who were originally there? A lot of the native people in Pine Point, as the white people, are not from Pine Point as such, they have just come there in the last few years. So could you please try to understand where the Dene Nation is coming from in trying to get guarantees in seats in places such as Simpson or other places where there are presently a lot of native people, but where this may change? So would you agree that Pine Point is a bit of a unique situation and if you could be opened to seeing the arguments made by the Dene Nation in respect of other communities in the north where.....

MR. ROMEIKE: Yes, yes I know there are other communities. Now it does not matter, maybe they can have 50 60% of the seats the natives. I have got nothing against that. But it is in communities where you have not got the native s....

MR. SIBBESTON: Well as Mr. Stewart says, and Mr. MacQuarrie, obviously in places where there is such a small percentage of native people that it does not make sense to suggest that they have 30%. Mr. McLaughlin and then Mr. Kakfwi. Mr. Steen afterwards.

MR. McLAUGHLIN: Thank you Mr. Chairman. I would just like to say I want to sort of repeat the same concerns that Mr. Stewart did with the use of the word Dene to describe this guaranteed representation, rather than aboriginal, because it does sort of presuppose that a significant area of the territories, where Inuit people live may not be in a part of the western territories. I do not have too much trouble with picking out a percentage for representation in the territorial Legislative Assembly, because you have got a broad spectrum of people and I think you can maybe look at a percentage there, although I think

may be a little high, but in local government most of the councils only have 8 or 9 representatives because of the small size. One person, as a guarantee, I think is pretty significant when you are only talking about 9 people in total. So I really believe that a guarantee of one is pretty significant and in some cases might be too high. And I think what I would have a basic problem with is, with a public government that does not have people elected. I would not like to see people appointed. If there was that guarantee, of that one seat, and no one aboriginal person ran for it, I would not want to see it filled by someone who was appointed. I sort of disagree with these seats being filled by appointment if no one ran. So I do not mind a maybe a guarantee of one seat in a community, that may have a very small and maybe an insignificant native population, as long as that someone takes the interest to at least run. And it is pretty common in some jurisdictions, Federal, State type jurisdictions in Europe, where it is proportional votes that determines representation. So in some ridings a candidate, who may have won his riding, may not get to see a seat in the assembly. And this is done in quite a few European states, and it is done, it was tried, I think in Alberta once. But I do not think the government of the day liked the results so they switched back to the old way. So the candidates that got the most votes were not necessarily elected because they went by party votes. So even though no person of brand X party was elected in any of the areas, because that party got 10% of the popular vote, he would be given 10% of the seats in the House. So I can see a situation like that being acceptable here, as long as the person actually ran for office and was elected, at large, by all eligible voters. And another thing that I think could be looked at, and we have sort of run around it before, on what residency requirements are as far as length of stay. And

what I would like to do is get an opinion from the legal advisor on a subject of residency. All the election ordinances describe, you know, what a resident is, and the wording is usually strictly time. Would it be possible for us to have a definition in an election ordinance up here that a person was only eligible to run if his primary residence was the NWT, and some definition of what primary residence meant? Or could you have a, when a person tried to be sworn in at the polls to be put on the voters list, if they are not on it that they would have to swear that they were a resident, that this was their primary residence, and they were not eligible to vote in a provincial election in another jurisdiction? Therefore, they could vote here, but if this was not their primary residence and they were conceivably eligible to vote somewhere else, then they could not vote here. That would help to curtail the problem somewhat too. Thank you Mr. Chairman.

MR. SIBBESTON: Mr. Lal.

MR. LAL: Mr. Chairman Yes it would be quite possible to define the term residency in a statute or an ordinance of the NWT. It would also be quite possible to further define what primary and secondary residencies mean and both those definitions could also be included in the election ordinance. The provision requiring an electorate to take an oath or to submit a sworn statement, stating that he has been a resident of the NWT for whatever is the prescribed period is also possible and such a device is used in some jurisdictions. I would however recommend against the second part of Mr. McLaughlin's suggestion that of requiring an elector to or a voter in any other province, since it would not only put a very difficult onus on that person, it is in many cases, a matter of law whether a person is eligible to vote anywhere else and you are asking

a voter to swear that on oath and in my view that would be a very onerous undertaking. Thank you.

MR. SIBBESTON: Okay it appears there are a number of speakers yet on this topic. Can I just suggest a 10 minute coffee break and then we will continue on the matter.

-COFFEE BREAK--

MR. SIBBESTON: Can we please reconvene. Mr. Daniels would you like to begin now please?

MR. DANIELS: Thank you Mr. Chairman. I appreciate what the Dene Nation are attempting to do here and I think like most people here I have sympathy for that. It seems like the problem is how to do it in an acceptable manner and I am wondering why this cannot be accomplished through the electoral boundaries process. It seems to me that as I recall as having something to do with the last boundaries commission that and in studying that in many ways the objectives that are sought here are being achieved through that process. I am wondering if some further perhaps defining of that process or something could be put into that process that would achieve the objectives that are being sought and this would get us away from this percentage bit which I have trouble with.

MR. SIBBESTON: Mr. Daniels are you suggesting that let us take the situation 20 years, 20/30 years from now where native people let us say are ... whereas now the native population certainly in the western part of the NWT is 50% let us say, 50/50 as it were and with development in the north this ratio of would probably change. In 20 years from now you could well have 80% non native and 20% native people and are you suggesting that if there is an election let us

suppose there are elections and at least 80% of the representatives are non native, are you suggesting that they would, this 80% non native, would do something to juggle the constituency boundaries to try to get native people elected? Are you suggesting that this is how native people could be assured of representation on a legislative assembly?

MR. DANIELS: I am suggesting that some type of formula could perhaps be developed which would be part of the criteria for setting electoral boundaries which would achieve the objective sought here in a manner that would be palatable to the various interest groups parties.

MR. SIBBESTON: Mr. Steen and then Mrs. Robinson.

MR. STEEN: Mr. Chairman I would like to ask Georges Erasmus just what he sees as a percentage in a community before the Dene are guaranteed a seat. I mean for instance there might be only one Dene in Tuk and do I give him a seat? Do you have a suggested percentage?

MR. ERASMUS: I guess the idea was that first of all we are talking about aboriginal we are talking about so in Tuk we would be talking about all of the local native people; their guaranteed seats. Tuk is a good example actually. We are trying to create an agreement now on how government will operate in the future because of situations like the Beaufort really are frightening in that they could bring in a lot of transient workers and over a period of time just the same way in which Yellowknife until about the government moved here I guess in 1967 everything here was a transient community. The houses were built so that they lasted just about until the gold ran out. The streets were built that way. The sewer lines were built that way. The whole community had a smell about it that we were only here for a little while and that this was not home and that we were really from somewhere else

and that we were here to make a few dollars and leave but that changed. That changed over a period of time and more and more people are owning their own homes in Yellowknife, more and more there is a feeling of some kind of permanence in this community and that will take place in many parts of the north possibly slowly or else quickly if technology is found as I said earlier to make it possible for communities to operate in isolated northern climates and you could find yourself in places like the high arctic where you have a large work force and for a few years they are transient but more and more people are there permanently because it is a good place to work. You can make a lot of money. They might decide to stay for 5 or 10 years and eventually maybe return home or at least their intention is to come here for 5 or 10 years and maybe in the end they like it and they stay permanently. So you will find a situation that is inevitable it is repeating history. It has happened all over Canada that more and more people will come here and eventually they will settle here, their children will be born here and those children will not know anywhere else and they will be able to survive in this climate better than their parents and then they will have children. So what we are talking about is the future here. You know it is not a situation where we are trying to get the Dene elected in communities where they are not going to be but the intention and the concept behind this is that obviously in communities where the aboriginal people are like, Tuk if development comes in and the situation changes what do you do to insure that the local native people continue to have a say in local government? That is the intention. Since I have got the mike I also want to make another point in relation to what is being discussed by a number of other people. People were saying you know right now people are getting elected by

merit and we are finding both native and non native on council, it is good. There is absolutely nothing wrong with that. We are not disagreeing with that and in the future we are not necessarily saying that people should not be elected? All we are saying is that a certain part of the population should be guaranteed participation and it seems to me that probably the best thing for them to do is to put forth their best candidates, to put forth their leaders. In any given group of people there are only so many leaders and there are only so many people who are interested in doing the kind of things that people in public life do so it would not mean that with guaranteed seats you would find people that put their by the aboriginal people that they were people that were not capable, not necessarily because obviously if they were in a minority situation you know in some cases here the example's been given that we should have one seat. Well you would have to be pretty good to be one member of a 9 member committee and be able to persuade them on your ideas. So I think people are kind of not understanding or some cases confusing what we are saying. The other thing to mention is that in places right now where the native people are the majority and they have people on council I do not think that is anything to find unusual. Should they not be there? It is their community. Why should we be congratulating ourselves for that That is their town. Who else should be running it? There is nothing unusual about that. What we are saying is that in many communities that is not the case and we are trying to find ways to make sure that does not happen in the future.

MR. SIBBESTON: Okay Mr. Steen.

MR. STEEN: Are you suggesting Georges that 30% is to be divided amongst all the native people in the community.

MR. ERASMUS: Well what we are saying is that the 30% that concept would really be meaningless right now in communities

where the majority of the population is native and Smith is one of the examples Good Hope, Norman and Colville Lake, Rae Lakes, Lac La Martre, Fort Rae etc. all of them it would not make any difference or sense to even consider it. But what we are trying to have agreed now is what will take place in the future and it may not be very far down the road. When the native people lose their population or if they are not losing their population by the system of elections even though they are more than 30% of the population they are not getting their legitimate representation that yes it would be 30% but we are not saying that if a community has 90% non aboriginal people that they would be only restricted to 3 out of 10 seats. That is not the... all we are saying is there should be a guarantee for the future.

MR. SIBBESTON: Okay I have here Mrs. Robinson and then Mr. Lamb.

MRS. ROBINSON: Mr. Chairman, concurring with what has just been said and before we went for coffee break there seems to be a general consensus here and I wonder if we agree to the principle of a guarantee of native seats and if we could leave it at that and have it be taken onto the powers to be to decide what they do from there on.

MR. SIBBESTON: My feeling that there has been fair discussion and that we are at the point where we could perhaps come to an agreement or have a statement that kind of indicates the feelings of the group here. Mr. Lamb has not spoken so I would like to give him a chance.

MR. LAMB: Thank you Mr. Chairman. We have no problems with guaranteed representation for aboriginal peoples. The fixed percentage or you know...this can be worked out. It has been said that there is a problem in getting the native people to participate in the democratic process. Well I would suggest that the white culture and education lead to participation and up to this point in time the native education and

what has been available to them and what they have had the opportunity to take advantage of and their culture is at odds with and this is their problem. So the fact that they have not participated I am not so sure that the reason is that they have not been able to participate and perhaps this will change in the future. I do have a problem with trying to get this guaranteed representation through a musical boundaries commission that every time there was a major development the boundary commission would have to go to work again to change the representation so they would maintain this percentage. Very soon what would occur would be that the boundaries commission would lose all plausibility and they would soon lose track of what the purpose was and that was for guaranteed native participation in government. I honestly believe that something can be worked out, what the numbers are I do not know, something reasonable. We have had that term reasonable. But they do need that guaranteed representation and we would support it.

MR. SIBBESTON: Thank you. Mr.MacQuarrie.

MR. MacQUARRIE: Thank you Mr. Chairman yet maybe a point I have here a consolidation of the BNA 1867/1975 and I do not know why I turned initially to an American example of guaranteed representation when there is the very foundation of representation in our own House of Commons has that basis. It all revolves around representation for Quebec. That is how.. that is the beginning of the total formula and while the guarantee is given to a provincial jurisdiction a geographical area,there is no doubt within my mind that the reason it was given was in order to help the French to feel secure that as the history of Canada progressed there would be representation in the House of Commons for their particular interests and so in part I will just read a short section and it addresses the concerns that Mr. Daniels expressed

Indeed there is an electoral boundaries commission in Canada that has the job of making adjustments and it partly addresses Mr. Lamb's concern too that you do not have a musical boundaries commission which is reacting all the time there is a change because it does it on a regular or periodic basis and they are two little sections; 51-1, "the number of members of the House of Commons and the representation of the provinces therein shall upon the coming into force of this sub section and thereafter on the completion of each decennial census be readjusted by such authority in such manner ", and the authority they refer to is the boundaries commission, "in such manner and from such time the Parliament of Canada from time to time provides subject and according to the following rules", so the commission is bound to follow certain rules when it begins to do this and I will only read the first one, "there shall be assigned to Quebec 75 members in the readjustment following the completion of the decennial census and thereafter 4 additional members in subsequent re-adjustment." They begin the whole process from that attempt to guarantee cultural representation and so it seems to me that we would not be if members could agree to it we would not be out of whack with what is normal Canadian experience and it could be done in such a way probably so as to say that the representation will reflect the population but that it never will be less than some amount perhaps 10% or whatever and that the adjustment could be made every 4 years or something at the time of an election according to the most recent population statistics of the territories. I am sure there is some reasonable way to address it.

MR. SIBBESTON: Okay Mr. Kakfwi.

MR. KAKFWI: Okay thank you. What I wanted to add to the discussion is that the impression that I get just listening to the delegates here is that there seems to be some agreement that some changes are necessary in order that all people participate effectively in the

political system. You know there was a couple of references made to the notion that perhaps native people are not able to use the present system. That is something that I think has been a fact for years and that is largely reflected in the previous position of the Dene Nation that it did not recognize the government of the NWT as it was and was evolving. In order for the Dene people at least to participate effectively we were arguing that some changes were necessary that if we are going to start to govern ourselves responsibly at the territorial and especially at the local level that we had to have a system of government that we could handle and handle in a way that we could demonstrate to the people of the territories and especially to the federal government that you know we are not back in the stone ages but simply that given a certain that we are allowed to work under a certain political system that we could demonstrate very effectively that we were more than the ready to assume more and more responsibility and authority, and that my feeling is that this is probably the only way, and largely the way that we are going to negotiate more responsible more responsibility and authority from the federal government by demonstrating that at the local level given the kind of changes that we have tried to make in Fort Good Hope. We have demonstrated in some areas that we can effectively handle some large projects and responsibilities at the local level whereas where previous the settlement council was in existence that was originally nonexistent. So I think it speaks to the argument that, given political changes are made that, we can demonstrate an ability to govern ourselves very well. I think the degree to which the community demonstrate their willingness and ability to make concessions with each other and put these into in effect I think will dictate the amount of concessions that the federal government will give us in the end. I think if we demonstrate in communities like

Good Hope and Fort Smith, that given the uniqueness of our situation would have to make some changes to the political system and demonstrate that we are not just speaking of it but are in effect serious enough and agreeable enough that we will make those changes that in the end it will force the government to accept what we are stating as a reality and not something that we want. We do not have to do or say if you agree we will do this and do that but go to the government and say "well this is the situation presently and we will do everyone a service if you recognize the facts as they are", and that this will probably lend a tremendous weight to negotiating with the government especially about the uniqueness of the north and that perhaps we will see concessions from the idea of residency, the longer residency requirements, by that approach. That is basically what I wanted to tell you because in Good Hope for instance we were talking about guaranteed seats. A number of years ago when we opted out of the municipal ordinance in order to try to develop a different or new system of political government we guaranteed one seat to the non Dene population of Good Hope and I know it was done on the spur of the moment, it was not negotiated with the people, but given the situation that was probably what we could do and since then we have developed a position where we are now proposing that the entire population of Good Hope within a certain residency requirement will be given equal rights to vote and to hold office. I think in the last election everyone I think with a one year residency requirement was allowed to vote and although we asked the non native people whether or not they wanted to remain with the one seat for the guaranteed representation they did not demonstrate that it was what they wanted so we went to equal representation for everyone but on the other hand you know places like Fort Smith where they had a minority people for instance the band

council and the major local people that perhaps that will demonstrate you know our willingness to look at the idea of guaranteed seats. It could be demonstrated at the local level. You know I think that would be a true believer then that is the fact what we all are conceding that is necessary. Thank you.

MR. SIBBESTON: Ladies and gentlemen is there agreement that some form of guaranteed representation should be accorded to the aboriginal people in any future government that we are proposing or are due to be set up. All those in agreement raise your hands please. Okay all those opposed. Okay the agreement is there. Shall we go onto the next subject which is in some respects more general and vaguer matter, I believe. It is the subject of government in the style and tradition of the Dene. I do not know how long this will take but should we try to get that finished before dinner and then go on to other subjects on the agenda because we really do have 3 or 4 other items with just 3 or 4 hours left so Mr. Lal could you just briefly outline what is talked about here in the green paper.

MR. LAL: Thank you Mr. Chairman. The delegates will find the item on page 33 of the working document. Essentially Mr. Chairman the principle is dealt with under paragraph A, "the political system proposed is based on the fact that the Dene and Metis are the original inhabitants and still the majority of permanent residents of this area and are thus entitled the form of public government reflecting that majority. Such a government must therefore embody the values of the Dene and reflect their style and form of political organization." Thank you.

MR. SIBBESTON: Could I ask someone from the Dene

to explain briefly just what is thought here.

MR. ERASMUS: I am going to start but perhaps I will ask Joachim Bonnetrouge, the Chief from Fort Providence to also add some of his comments to it. First of all I would like to say that the way the working paper is put together in this area is slightly misleading. The working paper kind of suggests what we are talking about is a system of government that would only reflect the traditions of the Dene, descendants, whether they are Metis or Dene, and we would not take into consideration the style of government the form of government that non native people are used to and this is not the intention of the Dene. Our intention is to try and create something quite unique for the first time. We want a situation where it is not an all or nothing for either party. We want to be able to sit at the table like this with the non Dene and create a government that we both want to participate in, we both feel reflects our traditions and our values and obviously if the COPE membership decides that the western arctic is the political entity that they wish to live with we would eagerly ask their participation in the creation of the government that we will all participate in and work through. So I take issue with the way the purpose and principle is presented. We have been going out of our way to make it clear that the Dene are not only talking about a Dene government. Not only a Dene government in the sense that it will not only be, first of all we are not talking about racially exclusive only Dene nor are we only talking about a government which everybody can participate in but is only in the style and the tradition of the Dene. That is not what we are saying. We are saying we want to come to the table like this. We want to insure that certain traditions, certain practises certain values, certain customs that we want to maintain will be carried along by the institution but we are prepared to meet the long term non native

residents halfway. We are prepared to create an institution up here that is unique in the world, an institution that will reflect both the tradition of other Canadians that have come to the north and wish to make this their home, and the tradition of the Dene. So unfortunately this purpose and principle does not work. The reason that we take issue to the Territorial government, the way it isnow, is in the eyes of the descendants of the Dene virtually nothing of that system of government reflects the people here. The style of government could be in India. It could be in the northern part of England, it could be transplanted from here absolutely anyplace and it means absolutely nothing that the descendants of the Dene lived lived here for 30,000 years. This is our homeland, and this is supposed to be our government. Even so that is the case we are coming to the hard realization in that we are not going to be alone here in the future. We were alone here in the past but we will not be alone here in the future and there is enough examples in Canada and other parts of the world where people are in disagreement about how they should go about the business of government and we do not want a token situation where supposedly the cultures of the native people are imported but they are not reflected in the major institutions that will carry those values. So saying that then, while we are very open to working out a government that will be both acceptable to the long term non-native residents and to the descendants of the Dene one or two of the values that we wish to include in the style of government, is to look at ways and means in which we have more participation in government then just electing a few people at the territorial level or at the community level and saying, "that is government". Those people make decisions and yes we are very aware that the Canadian system, is democratic and certainly we appreciate living in Canada rather than many other

countries that one could give examples of, but we think we can create a situation in the north which is even more unique. Examples like the Berger inquiry where government went out of its way to consult the people on a major development project to ensure that a major massive development that would affect the whole valley, the whole economy, the whole way of life, the people were given an opportunity to directly participate. We think this could probably have happened in Canada. We want to look at ways in which we institutionalize. We are not stuck on one or two or three different possible ways, but we want to insure that the government of the day carries some values. We are convinced that the traditions and other values of the Dene will not survive if the major institutions we participate in, that make our decisions, do not reflect some of the traditions of the Dene. We are absolutely totally convinced that we will lose our culture because we think culture is a living thing, it grows, it changes, and we are prepared to be involved in that but we consciously want to make sure that the major institutions reflect the cultures of the Dene and it will be the only way that we will be able to insure over a long period of time that those major cultural values that we want to maintain are still there for future generations. I would like to ask Joachim if he is prepared to say a few words to add to what I am saying, maybe any of the other Dene here, because this is too important to leave to one individual to attempt to communicate, and I do not want this to get across as if this concern belongs to the President of the Dene Nation. It does not. It is owned by the Dene.

MR. SIBBESTON: Joachim? Anything to add? I want to just firstly recognize Cynthia Hill, Mayor of Inuvik who is just arrived.

MR. BONNETROUGE: Thank you Mr. Chairman. I do not really

have a lot to say on the matter but I have got some pretty serious thoughts that I would like to share with the rest of the delegation. I think Georges made a very good point that the working paper as presented left out the inclusion of the present system we are under right now and the point that I would like to repeat, that he made, is I think we have got to go half and half as much as we can. I know through my experience and through my education and from the experience of my parents we can, and we have in a lot of cases made out, and we fared well, with the white people up here. There has been a lot of give and take. I am here because of the education system. Also I am here because of what I believe should be the changes in the north today. I appreciate in my lifetime the experiences I have been subjected to. I have been in the cities, I have been in some universities, I have been in some high schools, I have been in some jobs where I have worked side by side with a lot of white people but my background or where I am coming from I cannot leave behind in order to participate in the Legislative Assembly as it is today and I think what we are requesting is the changes have really got to reflect. I think the present system we are in has to make room for the Dene values, the Dene traditions to move in. I think if the doors would be open we would have gone a long way and the Dene can go ahead with the proposals and some of the things they would like to see in the present system. I have got a few examples to share with you, one that comes to mind right off the bat is I think coming from the local government and the local community situation. The original people of that community should be reflected in all activities of the local government. It hurts me to go visit next door into Hay River and see, although I respect the Inuit culture, it hurts me to see an Inukshuk standing in front of the town hall. Things like that should not happen.

I think it is a disgrace to the native people of Hay River. It is more than a slap in the face. I think it is ridiculous. I do not know who is responsible for it. Maybe Territorial council provided the money to build the Inukshuk in front of the Hay River town hall. I do not know, but I think it is a real ridicule to anybody with any kind of cultural pride. It has never been brought up before, but it has been mentioned to me on my visits to Hay River. I just wanted to state that example. Things like that should not happen. That is what you call a real no no. One other example that I wanted to share with you from the community point of view is before the native people in Providence got involved in local politics the teachers like Georges mentioned ran the whole town. They took care of garbage, contracts and things like that but then one day we decided we should get involved, the native people, mentioning the Metis and the Dene of Providence, got involved in settlement council. As soon as the white members of Providence heard that we were going to run for the election, none of them participated. That again hurt me. It is not that we wanted to barge in and take all of the white people out of the settlement council, they had a local white person that was the chairman. I thought we should be able to learn a lot from him if he ran again. So the experiences that the new native settlement council went through was pretty bad. We had to flounder for at least a year in order to get into running a municipality. It was really frustrating. Things like that happen but I wanted to let especially the people in the communities know that if native people decide to participate in your councils with the idea that they should be able to help. They should be able to contribute, and I think every person with an open mind can accommodate

that. I do not see any difficulty in trying out a lot of options that are open to us because I think we agreed, the north is unique and obviously all of our communities are not the same and we have got to allow for that too, but I think we should be able to agree amongst ourselves here because we represent most of the people in the western arctic that there is a time and there is a need for change and we are willing to do that. Thank you very much.

MR. SIBBESTON: Okay I believe Mr. Stewart wants to talk.

MR. STEWART: Thank you Mr. Chairman. With regard to the point that was brought up with regard to the Inukshuk in Hay River, I would like to take full responsibility for its being there. It was actually the Inukshuk was the official symbol of the Arctic Winter Games and this statue was built in Hay River to recognize that the Games had been held there during that certain period of time and that is all it was meant to do. It certainly was not meant to reflect, in any way, on the difference between the Dene and the Inuit or anybody else. It was just a symbol that was authorized for use during the Arctic Winter Games and that is all it was so if there was....I would apologize if you have taken affront to it, but not on the case that is all was improper but rather that it is a difference of opinion and that is all it is, a symbol of the Arctic Winter Games and that is the only reason it is there.

MR. SIBBESTON: Okay Mr. MacQuarrie.

MR. MacQUARRIE: Okay thank you Mr. Chairman. I think that some of the traditions or style of government we are talking about is one, trying to make sure that people who are going to be impacted by decisions have the opportunity to have meaningful input into whatever those decisions are going to be and trying as far as possible to attain a consensus rather than resolve issues by mere numbers voting and that

sort of thing, and I would say those are characterized by the Dene as Dene tradition, but I believe that throughout the world, in history people from many parts of the world when they have lived in very small groups have tended to adopt those forms of decision making because they make real sense in those circumstances. As time goes by and populations get larger there have been other, I guess, shortcuts introduced to try to resolve the difficulties that arise, bringing people together and making the kinds of consensus decisions that were customary in the past; and as a result of that representational government has arisen and it has attempted to be as democratic as possible in view of a lot of other circumstances but there is no doubt that it has not been a perfect solution to the problem. It is not only the Dene who feel that the type of strict representation that we have where you elect somebody and then he makes the decisions, there have been problems that have faced people in many jurisdictions, and I know for instance that in all three of the prairie provinces at various times there have been reform movements that have attempted to address that very problem and to insist that there be plebiscites and petitions and this kind of thing. So it is a problem with representative democracy. How do you keep it? It is easy to keep it representative, how do you keep it democratic or as democratic as possible and so I think maybe if we recognize that one of the major concerns is that what we have is sometimes too insensitive to the needs of the people and address as one of the major problems how can we make it more democratic, we may, in our discussions in this, may very well be fruitful as well. But in trying to address those problems we do have to be careful, so I think that we do not go too much the other way because in fact there are some advantages to representative government and if it can be pointed to the fact that many countries in the world, as Mr. Erasmus

said, that you know the type of government we have here you could find it here or there or in many places in the world, and I say that part of the reason is because many countries have discerned the kinds of advantages that arise in adopting that kind of government and certainly one of them is in having a government that is efficient enough that it can deal effectively with other governments, the power of other governments the power of huge corporations and so on. If there is too much consultation too much direct democracy you weaken your ability to deal with these things effectively. It is really trying to find a balance, having it as democratic as possible but still effective and efficient and certainly that point is important in our own case; where we will always have to deal with a very powerful Federal government, with provinces that are powerful, and with major corporations such as Dome and Esso and so on, and I hope I will be forgiven if I quote, and I heard on the radio about a week ago made by Georges Erasmus where he said, that the Dene negotiator would have to be given some real power so that he could make decisions otherwise the process would take 1000 years and I believe those were the words and that is a recognition that there is that kind of problem. You have to devise a form of government where you cannot keep going back again and again but at the same time if you say, "well in the interests of efficiency we are going to forget about consultation," you have got a problem on the other side, and so I hope that we can maybe think of some ways that would enable this government to be more in the pattern of ensuring that people who are going to be impacted have a meaningful say in whatever is going to happen, that we try as much as possible to make decisions like this where there is not an expected opposition but rather people of good will really come together and do try to find what is tolerable for everybody

in the face of the problem that confronts them and come up with a consensual agreement as to what ought to be done and I think maybe there are ways to effect that kind of thing but still to keep a strong and efficient government that can deal with the kinds of powers that we have to deal with; and the other aspect is of course we will have a western arctic territory which has certain cultural and historical roots that are significant; and I think that in those circumstances being sensitive to language and the art in the area and having a government that reflects that publicly is a very good thing, I think. Now there is nothing wrong with it at all, and I think it could result in a government that was distinctive and that all of us pointed to with pride because we were able to agree among ourselves in this kind of forum that is what we should have.

MR. SIBBESTON: Thank you. Mr. McBryan.

MR. McBRYAN: Mr. Chairman it is just a word on the Inukshuk at Hay River. I have to concur with Don Stewart, the Inukshuk was the symbol of the Arctic Winter Games which stretched from Alaska to the eastern arctic and having mentioned the Inukshuk I can also refer and that has often occurred to me such as occurred to Joachim Bonnetrouge that on mile 0 on highway 1 entering the NWT we have a polar bear, is that symbolic of the entire NWT or is it not symbolic of the arctic? And further to the question of purpose in principle I can certainly have no problem in accepting the identity to the people incorporated into the form of government down the road that will be established in the north.

MR. SIBBESTON: Okay, thank you. Mr. Steen.

MR. STEEN: Mr. Chairman, two little items here. One of them is that I was not aware that the Inukshuk was a symbol of the winter games. I thought it was our boundary marker, our land claim...

MR. SIBBESTON: That is right. You see how people read those Inukshuks?

MR. STEEN: Mr. Chairman if Hay River ever reached the point where they want to move it, well I would be happy to take it back. On the other point, I was just wondering if sometime this afternoon or in this meeting there would be any discussion on the extent of the western arctic territory?

MR. SIBBESTON: Sure we could put that right on the list and arrange to have it dealt with. I think people are very anxious to talk about, you people...Ladies and gentlemen we are coming to a point where we ought to decide something. I am wondering if delegates here would be satisfied with simply having the discussion we have had on formal style of government simply as a good discussion without necessarily having to get a general agreement on it? I think we could say it has been a good discussion and we have learned from one another and leave it to future conferences to go in further detail and try to get an agreement on...so if it is agreeable then it appears there is agreement we will have lunch now and then get back to the other subjects that are listed here and the city of Yellowknife's paper is next on the list after lunch. Mr. Ballantyne.

MR. BALLANTYNE: I wonder if I, I have some comments to make, that this is the last chance if everybody could wait for 5 minutes I have a few comments and maybe get into some specifics on this because I think this is very important. What we tried to do in our paper is outline some mechanisms to achieve an end in the traditional sense of making government more accountable to the people. We felt that the Dene have outlined some comments in their paper, we thought it is

very important in that if this future government is going to be a mixture of these values to outline some ways that we think government can be improved. I want to emphasize that as we see it a territorial government, number 1, has to be workable and efficient because society is becoming more and more complex and so the government has to be able to respond fairly quickly and efficiently to changing situations, and also I think again back to a pragmatic approach that whatever government we have it has to ultimately be acceptable. Now people do not like it probably and it is not being said that we should decide everything ourselves but it is a reality and I just want to keep saying that even though some people may say well never mind what the Federal government wants that this is the reality we have to deal with and I think we have to remember whatever forms of government we have here has got to be acceptable in that Canadian context. Thirdly, I think the important thing we have to keep in mind when we are dealing with this style and form of government is flexibility. We in our paper put forward some ideas whereby a lot of the flexibility inherent is a matter of devolution of the powers of whatever the central government is to municipalities and to regional councils. There is all sorts of scope at that level to reflect values and reflect culture and I think we should keep that one very much in mind also. When we look at what we have agreed to do here today as some general principles we in fact have agreed to some major deviations really from what is normal in the south, and I think that sort of thing we are talking about is going to be very different and is going to be extremely unique, but just to talk about some details. Let us throw some ideas out. I think that at the municipal level some of the ideas put forward by the Dene proposal quite frankly would not work in a larger municipality than Yellowknife. I cannot imagine 5000 people all in the hockey arena sort of deciding major issues. I think that would be very

difficult. I think it is very important to say that at the municipal level there should be lots of opportunity for local option. We in Yellowknife have one concept of how we want to run our city. I think we should be allowed to do it. In Fort Good Hope they have another one. I fully support their right to do it the way they want in Fort Good Hope. At the territorial level some of the concepts put forward by the Dene and aboriginal people generally, I think, could be incorporated, if we are talking about, you know, the next 50 years, we are talking about they will definitely be guaranteed seats now there is a majority of aboriginal people on the legislative assembly. I see no problem with the, for instance, the Dene delegates on a yearly basis having a general assembly and consulting with their people coming back to the central body with those ideas. Now if the non-natives have different ideas of doing that and I outlined in our paper by strenghthening the committee structure, by any number of ways that it is possible. I think that is fair too. I think the government should be able to incorporate all those values. I think that is another idea that a conference such as this you know, after we have decided on where we want to go to meet on a yearly basis and to monitor what is going on. I think there is lots of ways but I just want to emphasize from our point of view, ultimately flexability and each value can impose theirs totally on the other, so I think if we can keep that in mind in the discussion I think probably we can achieve a lot.

MR. SIBBESTON: Thank you, shall we break for lunch?

LUNCH

MR. SIBBESTON: Good afternoon ladies and gentlemen, I would like to call the conference back to order. Ladies

and gentlemen, before breaking for dinner, you will recall that we dealt with a subject of form and style of government, and thought that the general consensus was that we should leave the subject and go on to other matters. Since this time, I have been approached by Mr. Reid representing the teachers of the north indicating that he wanted to present a paper on multi-culturalism. He thought that his paper related very closely to the topic of traditional styles of government, so he has asked that I ask the delegates here to see if you would be agreeable to him presenting his paper. I have also discussed with Mr. Ballantyne, who was actually next on the list on the agenda, and he is agreeable to waiting until Mr. Reid finishes his presentation, so can I get the feelings of the delegates on this? Is there agreement on this idea of letting Mr. Reid present his paper on multi-culturalism at this point? Mr. McBryan, Mr. Reid indicated it would be about 15 or 20 minutes. Mr. MacQuarrie.

MR. MacQUARRIE: I am just reluctant to embark on a another initiative, like I would like to receive the paper, I would like to have the chance to read it over a period of time and maybe deal with it, but I am reluctant to deal with it in any substantive way right at the present time. If it were a matter of tabling it for information I would be very receptive.

MR. SIBBESTON: Mr. Jaque.

MR. JAQUE : I am a little bit concerned that we are limited now as to time as that is the reality of the situation to that extent, I think we should quite possibly even foregoing the exercise that we have been going through of dealing with specific items. I think that has been a valuable exercise and what we are getting is a general consensus on all the items, and I think that probably will continue

in most cases, so the exercises that we have gone through is actually fulfilled itself, and I think what we could quite possibly do now in the time that we have left is look at where we are going from here, take the opportunity that is left to determine a direction to talk about the next conference, and I feel strongly that yesterday there was a synthesis among the delegates that the tension that was in the first conference evaporated and there was a feeling of cooperation throughout all the delegates, and I think that has been the single most important thing at this conference. I think if we come away with nothing but that, we have done a great deal. So given that, I think that we should now assess where we are at, and where we are going, and if Mr. Reid's paper is relevant to that kind of thing I would support it, if not perhaps Mr. MacQuarrie's suggestion of having it sent out to all the delegates to read later on would be a good idea.

MR. SIBBESTON: Mr. Reid.

MR. REID: Thank you Mr. Chairman. Over the last couple of days we have been dealing with some major territorial type issues related to the formation of a new government, such as division areas here today may conceive it to be. A couple of times we scratched the surface on what I consider to be one of the most important considerations when visionaries decide to build a government of the people, by the people and for the people instead of in spite of the people. I believe that the issue of culture, language, traditional skills, traditional values especially in the NWT in this multi-cultural society we live in here is probably the most important issue to the grass roots level. Certainly an issue that has to take its place with issues such as land claims, political rights and the like. I think the grass roots level in the NWT are probably far removed from the concepts or from actual negotiations

on things like land claims, like conferences of this particular nature. I think if we are going to design a new government system then we have to take a serious look at the concerns people at the grass roots level have. Concerns that affect their everyday life. My members, for example, are the front lines of the department of education if you were living in the communities in the NWT as we are and confronted on a day to day basis with comments and concerns from native and non-native people alike, who make such statements that the Inuit or the Dene culture is being destroyed, they are losing their language, children no longer learn or are interested in learning traditional skills, traditional values, and we often wonder, well, what can the school systems do about these types of problems because in many cases the school systems are being blamed for those types of problems. I think the family units in the settlements are concerned about their land and the land claims that go with it and treaty rights and all the like, but they are just as concerned with the fact that their child has gone through a school system and in grade 12 for example, and speaks bad Inuktitut or Slavey or does not speak the language at all. They are concerned that the children are not interested in those types of elements in the classrooms. They are concerned that an 18 and a 20 year old, as is happening in Frobisher Bay for example, die on the land when 15 years ago children of that age could have survived indefinitely. They are wondering what the problem is and what or where the answers are. So I was going to present a paper which takes a national as well as a territorial perspective at the whole issue of multi-culturalism, language, cultures, traditional skills and this sort of stuff and give my opinions on where I think the national government in Ottawa has made a mistake and has fallen by the wayside in its committment to a concept of cultures in this country, and how even the

territorial government itself as well as the native and non-native peoples in the territories have made mistakes in their committment in that particular area, and the paper is basically going to be offered as a caution to the visionaries of a new government to advise them not to make the mistakes that have been made on the national level and a territorial level, as is going on right now in this particular country. The concept of multi-culturalism is so important that all provinces in the country and the NWT and the Yukon territories last year thought it important enough to organize a national conference on that very topic so that people can get together and discuss that and see if we can come to some conclusions. Some conclusions did arise out of that particular conference. Now I have no problem with reproducing this document which I intended to do anyway and allowing the delegates to take it home and read it. I would have preferred to present it here today to the conference itself, because I do not believe that the people in their recommendations and in their comments over the past few days have been paying enough attention to this issue and I think, and I will repeat myself again, I think this issue in forming a government is just as important and ranks in just as much importance as the issues of treaty rights, land claim rights and the whole gambit and I am extremely surprised to tell you the truth, that a number of people in their deliberations, native and non-natives alike, have not referred to what I consider to be the most important grass roots issue in the territories.

MR. SIBBESTON: Thank you Mr. Reid. Mr. Watsyk

MR. WATSYK: Mr. Sibbeston. The question I was going to ask, I think you have answered partly, are copies of that report available, would the administrative staff here, the support staff be able to run off copies and we have it distributed here so if we go on

with the rest of the conference during that time we get copies made and maybe try and fit it in later on?

MR. SIBBESTON: Mr. MacQuarrie.

MR. MacQUARRIE: Thank you Mr. Chairman. I just feel that the issues that he raises are very important and will have to be thought about in the process, but my own fear is that if we bite off more than we can chew in this short period of time we might suffer from indigestion, and I think that it sort of introduces not a new strain; we are dealing partly with that area now, but it would just be very difficult for the members suddenly to hear the position and to absorb it and be able to discuss it thoroughly and so on. People would need time to do that. My own recommendation would be simply to have it tabled and distributed, the staff could reproduce it and deal with it in due time.

MR. SIBBESTON: Mr. Reid what is your feeling?

MR. REID: I would agree to that Mr. Chairman.

MR. SIBBESTON: Okay Mrs. Robinson.

MRS. ROBINSON: I say we table it at this time but surely there will be more meetings of this kind again, then we bring it on the next agenda so that we all could have a good look at it instead of a short look.

MR. SIBBESTON: I guess I get the feeling that people are basically interested but are anxious to proceed with the other items on the agenda and are interested in having the document reproduced and available to them now for consideration and perhaps even at the end of the day, certainly at the next conference Mr. Reid. Would that satisfy you? Thank you. Ladies and gentlemen I would like to recognize a gentleman from the James Bay area. He is Sam Piatuk who is here

today from Fort George. Yesterday the matter of James Bay arose and we showed some interest in hearing what was happening in James Bay particularly after land claims settlement have been made and the after effects of that, and however I get the feeling that at this stage it would be...it is not desireable to invite Mr. Piatuk before us in the sense a discussion about that area has been concluded, but I thought that if some people wanted to talk to him informally during the course of the day they ought to know that he was here. Is that agreeable? Okay, we are now on to the subject...the paper presented by the city of Yellowknife. Mr. Ballantyne.

MR. BALLANTYNE: Thank you Mr. Chairman. I think with my paper I have had the opportunity to read it through in its entirety to the delegates and I have made references to it during the conference. I think what I would like to do, I am quite happy with that at this point, what I would like to do over the next period of time is sort of percolate some of the ideas that will be hopefully helpful in the process we are going through. But I wonder, the thing that would make me more than satisfied with our participation in this conference is to be assured there would be another conference. I wonder, would it be appropriate for me to make a motion to that effect right now?

MR. SIBBESTON: You certainly are.

MR. BALLANTYNE: Okay before I do it, I just want to really emphasize that I am very pleased with what has happened here. I think the one in January, I think a lot of us felt somewhat frustrating, but I think there has been a major educational process that has happened since January. We seem to be making a lot of headway, and I think this conference has been very useful and I think conferences in the future like this will really help us to come to grips with some of these basic

controversial issues. I have a motion that Mr. Erasmus offered to second it and I will read it. I move that another constitutional conference be held within 6 months and that a working committee be struck to develop various mechanisms to achieve some of the basic principles agreed to at this conference. As I said, Mr. Erasmus said he would second that one.

MR. SIBBESTON: Okay, ladies and gentlemen, you have heard the motion, is there any discussion? A question has been called. All those in favour of the motion. All those against the motion. Motion is carried. Any other matters Mr. Ballantyne?

MR. BALLANTYNE: No, I am more than pleased and I think if everybody can over the next 6 months have a look at it, the paper, I would be interested to hear peoples comments 6 months from now about some of the contents of it, thank you.

MR. SIBBESTON: Now the next topic is the role of political parties. Mr. Jaque I believe you wanted this on the agenda?

MR. JAQUE: Yes Mr. Chairman, I wanted it considered as a possible discussion item for the working groups which never came about. I, at this time, do not know if we should get into a discussion on that particular subject or not in the committee as a whole here. I would entertain suggestions on that topic. What do the other delegates think?

MR. SIBBESTON: Is there any discussion on the question of political parties? Mrs. Sorensen. Okay Mr. Erasmus.

MR. ERASMUS: Thank you Mr. Chairman. I also feel that the conference in the last 3 days has come a long ways. We have covered a fair bit of ground and I have a feeling that the conference is actually concluded, and we are still here and personally my feeling is that we should wrap up early this afternoon and begin thinking about

the next conference. We have made some significant headway. The conference that we held a number of months ago both in content and in the kind of spirit that people walked away from it, kind of left a bad taste in your mouth and what has happened here is we have come a lot closer together, I think we have gotten to know each other a bit better. I think there is a certain level of trust that has been created and my feeling is the same as Mr. MacQuarries' rather than trying to chew a bigger bite than we really can swallow at this time, I would be prepared to recess with what we have achieved to date, so I would encourage early conclusion sometime this afternoon. Perhaps we have a few more items to take care of, but my feeling is going into a discussion like political parties at this time is just not the proper time. I would suggest we leave that up for perhaps the next conference.

MR. SIBBESTON: Mr. Daniels.

MR. DANIELS: Thank you Mr. Chairman. I concur with the position that Georges has just put forward. I really question that any discussion on party politics would add to the objectives at this conference have set for themselves.

MR. SIBBESTON: Is there any feelings about continuing with the subject of political parties at this time? I think it is open to delegates yet. There is a suggestion that it ought not to be dealt with at this time, but I believe Mr. Jaque is open to it since he raised the subject. It is open to discussion if people wish. Can I just seek the mood, and I am thinking of the delegates by simply asking if there is agreement that we ought to go ahead with the subject of political rights at this time. All those in favour of dealing with the subject of political parties at this time please indicate. All those opposed to dealing with the subject now please indicate. Okay I

must conclude then that no one wants to deal with it at this time but with the understanding that it could be dealt with at a future conference. The next subject on the agenda is the role of Legislative Assembly in constitutional development. I must say, I had forgotten who had placed that and wanted that placed on the agenda. Yes, it seems to me it was Mr. McLaughlin who had wanted it on the agenda. Again what is the delegates wish in respect of this subject? Do you wish to deal with it, do you want to defer it? Mr. Ballantyne.

MR. BALLANTYNE: I brought it up also in my paper. I think at this point what will happen is the role of the Legislative Assembly will evolve. It might be worthwhile to leave that until the next conference right now. I think our position is down in the paper. I think it probably bears a lot more thinking by everybody and perhaps the next conference would be an appropriate time to talk about it.

MR. SIBBESTON: Okay, I should seek the feelings of the conference again. All those in favour of dealing with the subject role of Legislative Assembly in constitutional development please indicate by raising your hands. All those against dealing with the subject at this time please indicate. Okay, I must conclude that there is no desire deal with it at this time. Mrs. Sorensen.

MRS. SORENSEN: Mr. Chairman, I wonder if you could give us an indication of how your committee is going to report to the Legislature, and how you see the Legislature handling your report and discussing your report. I wonder if you could outline to the delegates here the process that you are going to go through now as a result of what has been achieved in the last three days.

MR. SIBBESTON: Mrs. Sorensen the special committee on constitutional development will be meeting in the next few weeks.

Certainly before the Legislative Assembly in November to deal with the results of this constitutional conference and we will be making a report to the Legislative Assembly. Certainly we will be dealing with all of the motions, recommendations and basic agreements that have been agreed to here and will be in a sense telling the legislature what has occurred here, and our little committee will have some voice in respect of certain recommendations that have been put forward particularly the one regarding another conference in the next 6 months. So there will be a full report to the Legislative Assembly, and in this, we, our committee will be plugged in to reporting to the assembly for the assembly to deal with that if they wish. We, I think would all agree members of this committee, that we are foremostly accountable to the Legislative Assembly and will be accounting fully to that body, and if any other members of the committee wish to say anything on this I welcome them to do so. Mr. Romeike.

MR. ROMEIKE: Mr. Chairman, is it in order to make a motion now?

MR. SIGBESTON: It always is in order as long as there is no other motion on the floor and there is not one, so go ahead.

MR. ROMEIKE: I move that the representatives from the taxpayers municipality sit as a delegate on the western constitutional forum. And it is seconded by Mr. Gordon Campbell of Inuvik.

MR. SIBBESTON: Ladies and gentlemen, there is a motion and it has been seconded to the effect that a representative of tax based communities be members or be involved in the western constitutional forum. Is this right? Is there any discussion on the motion? Mr. Romeike maybe you can tell the conference what your ideas are in this subject. Why are you making the motion?

MR. ROMEIKE: Well every organization seems to be represented except the taxpayers municipalities. There is no voice on there at all and I think they should have a voice.

MR. SIBBESTON: Do you have any feelings as to whether the members of the legislative assembly that are present be on the western constitutional forum. Do you feel that representation is not enough or that you simply feel that the municipalities should have a direct input into that.?

MR. ROMEIKE: No Mr. Chairman, I have not heard any reports from the delegates from the legislative members that are what has transpired there. We have not been informed of anything that has been discussed, and I think we should be. We should know what is going on.

MR. SIBBESTON: Mr. Romeike when you talk of representation on this body, do you have any suggestions as to whether it should be one or two persons or what kind of representation are you talking about?

MR. ROMEIKE: I think one representative from the taxbased municipality.

MR. SIBBESTON: Mr. Lamb.

MR. LAMB: Thank you Mr. Chairman. I would just like this conference to note that there is considerable other groups that are not on the western constitutional forum. I can think of labour, some of the other organizations that are here today, so just for information.

MR. SIBBESTON: Mr. MacQuarrie

MR. MacQUARRIE: Yes if I may Mr. Chairman, for a moment explain the nature and the basis of representation and that at the present time and then try to see whether the mover of the motion

and the seconder feel that maybe there is adequate representation. The alliance and subsequently what is more important the western constitutional forum was established when the legislative assembly decided to associate itself with native associations in trying to bring about constitutional development and one of the aims I think was to try first of all to ensure that all people who had concerns in this area were represented in one way or another on the alliance or on the forum and to try to ensure that there was a small enough body I guess that it was notunwieldy that it was workable and when the forum was established it became apparent although I think it was never consciously stated that the nature of the representation was cultural. In other words you had a representative for the Dene, a representative for the Metis, a representative for the Inuvialuit if they wished to be associated with it and a representative for non native people and then in addition to that basis for representation there would be the Minister of aboriginal rights and constitutional development who would have the role of representing all people in the territories through the assembly. Now that was the basis of it and in a sense if there is to be other representation, for instance of municipalities,it changes the nature of the representation and of course raises the possibility that if one group feels that it ought to have representation and then it is granted that it is difficult then to deny the same kind of representation to many other groups and we may have an organism that gets out of hand in that respect then. So the real question is for everybody I guess,can you feel that your interests will be adequately safeguarded on the basis of the way the representation is now keeping in mind that everyone of the components that is on it now has in effect been granted a veto over what may be represented as a consensus position out of that forum. In other words the forum will try to come to a decision about various matters in the area of constitutional

development, but for instance in their deliberations if in seeking agreement or around that small table the Metis were to say we cannot yet accept what you people are agreeing to, then there is no consensus yet, and that position would not be represented as a consensus position. The Dene would have the same kind of veto power, if you like, the Inuvialuit would have the same kind of veto power and so would the non-natives and the Minister on behalf of the assembly and government. So that each group would have the right to say we are not yet happy with the kind of, you know, decision that has been reached up to this point and that decision then will not be represented as a position of consensus. So the real question is that the rationale behind it is that the mechanism, it seems to offer protection to everybody in one sense or another. Do you feel the protection would be adequate? If so, then I would recommend that it not be changed. Obviously if you cannot feel that all interests are adequately safeguarded then each group must do what he feels necessary in order to try and...

MR. ROMEIKE: Mr. Chairman, do you not think it would be appropriate that the municipalities at least would be informed after they have a meeting on what has transpired? We should be informed.

MR. SIBBESTON: There is so many hands up I do not know who to pick. Well James is poking me in the ribs.

MR. WAH SHEE: Mr. Chairman, in regards to the most recent meeting we had of the western constitutional forum, what I was going to suggest is that we would like to put out a summary of the meeting that has recently taken place and have that information made available to the delegates of this conference so that you will be

informed as to what was discussed and the date of our next meeting. The meetings that we have been holding so far have been public meetings and the.. what I would like to suggest to you Mr.Chairman is that I would like to make this summary report available to the delegates for your information.

MR. SIBBESTON: Okay Mr. Watsyk.

MR. WATSYK: We have the motion and we have Mr. Wah Shee's comment. Would it be possible for some section of the territorial government to get this report not just to the delegates here but to all the organized municipal bodies in the territories so we are all kept abreast of what is developing with that western constitutional forum or this whole political evolution Would that be possible?

MR. SIBBESTON: In that regard I will ask Mr. Braden the government leader, blame him. He says yes. Mr. Watsyk again.

MR. WATSYK: If we are going to get this information does this affect the motion in front of us. Would this type of direct representation for communications sake be as necessary as it otherwise was when the motion was made. Knowing this would the mover and the seconder still feel that the direct representation is necessary if you people feel that representation by one group again creates a problem because you have others waiting in line to also be represented.

MR. SIBBESTON: Mr. Romeike could you indicate. Mr. Watsyk was wondering with the assurance given by Mr. Braden that any information, all the minutes of the constitutional forum will be provided to all the delegates and other people. Would that satisfy you ?

MR. ROMEIKE: Well yes it would if the ..I think we should be kept informed of what goes on at those forums.

MR. SIBBESTON: Actually is there not a responsibility on each of the members of the constitutional forum to inform its constituents. I would think there was otherwise they would be functioning or operating in the dark. So there is a duty, your responsibility from each member of the constitutional forum to advise their membership , you know their constituents so maybe it has not been done as well as possible but I think they could see this as clear indication clear instructions to them to do a better job of indicating with their constituents so if you do not receive minutes the day after the forum Mr. Romeike you can raise hell again. Mr. Wah Shee.

MR. WAH SHEE: Mr. Chairman the delegates should remember that the western constitutional forum has only held one meeting thus far. The meeting we held recently was our first one and it was held in public. The media was in attendance from the very first day and it was only for 2 days. And I do not think the members of the western constitutional forum would object to making the discussions and the decisions that we have made based on consensus that this information should be made public because we in the western forum may have nothing to hide and this is the reason why we have held our meetings in public and we do appreciate any views that you may have in terms of the discussions that have taken place. We would hope that we will have better communication among the various groups and if you like I was just suggesting that we make the information for this delegation but it was not to indicate that this information will not be made available to other groups as well. I think it should be made available to all the groups that request the information.

MR. SIBBESTON: Mr. Romeike.

MR. ROMEIKE: Mr. Chairman if I can have the assurance from the western constitutional forum from the members that we are

going to get the minutes and be informed of what is going on I will withdraw the motion. Can I have that assurance?

MR. SIBBESTON: Mr. Wah Shee.

MR. WAH SHEE: I think we can give you that assurance, because I feel that the other members would not object to that at all because, like I stated earlier, this is a public forum and all discussions that we have taken so far have been public and that we want to make the information available to the public for their information and also to solicit their views as well.

MR. ROMEIKE: Allright Mr. Chairman, I withdraw the motion.

MR. SIBBESTON: Okay thank you. The motion is withdrawn. Now the next subject on the list is western arctic. Mr. Steen. Was it you that wanted this subject dealt with?

MR. STEEN: Mr. Chairman, I do not intend to make any statements or whatever on the western arctic. I want to hear comments from the delegates just on what their feelings on where the boundaries should be and why we should be in the western arctic rather than in Nunavut.

MR. SIBBESTON: Mr. Steen. You want to know from the rest of the people that live in the western part what they think, or why you who live in the Tuk area should be with us in the west here whenever there is a government formed or a territory formed in the west here.

MR. STEEN: Mr. Chairman for one thing, I would like to know; it seems to be an assumed line drawn here someplace. I noticed Coppermine is invited but not Cambridge Bay. Are we assuming a line before the people will even vote on the situation or what?

MR.SIBBESTON: Mr. Steen, I can tell you that some of the communities along the arctic coast, namely Cambridge Bay and Coppermind and Holman Island, indicated, said they are interested in coming to this conference to observe what was going on and our committee dealt with this and invited them to come as observers and in fact some of them have been here the last few days. Mr. MacQuarrie.

MR. MacQUARRIE: Yes, Mr. Steen is looking for an expression of opinion and certainly that is all it can be. In other words there is no position that I know of on the part of the constitutional western constitutional forum or this conference as to what areas should be in a western arctic territory. To us it is obvious that some areas will be, such as Hay River and Fort Simpson and Fort Good Hope, but we recognize that there are other areas, close to what may be a boundary. From my own point of view the final decision about which way these other areas decide which way to go should be decided by the people who live there. That is the way I feel about it. But as someone who lives in Yellowknife in the western arctic it is obvious it will be a big part of it too. I would really like the western territory to be big and strong as possible and so I would really hope the Inuvialuit people and even other Inuit from Cambridge Bay would be interested in being part of the western territory. There is no assumption on my part now that they will but I hope they will be. Why should they be? Well I obviously feel there are a lot of practical reasons why they should be. I recognize that there are emotional and cultural reasons why they should go to the eastern territory but I think there are lots of practical reasons why they should want to come to the western territory. The

transportation and routes, economic lines, geography and for instance in the case of the Inuvialuit it is possible if they were to join the eastern arctic territory that they would be only other Inuit in what is essentially an Inuit territory. Without question in a Western arctic territory the Inuvialuit would be a distinctive people in that territory and that may have its advantages of one kind or another I do not know. I think that it might very well and that they might want to consider that seriously. There is one other very practical consideration why Inuvialuit should maybe consider, again just my opinion, why they should consider being in a western arctic territory and that is in the final analysis when the boundary is set by the federal government I am sure that cultural, language these kinds of things will definitely be taken into account and the wishes of the people too but there are certain other considerations that the federal government would have to take into account. They just could not ignore them and those considerations would be the economic viability of the potential territory that was being established and another one would be geography and it is my own opinion, having read a lot of history and the importance of river courses and access to the sea it is my opinion, that the federal government in the final analysis could never dream of establishing a western arctic territory through which their land a major river and yet draw a boundary line that cuts off the mouth of that river from the territory. It seems to me that in the final analysis, even if the Inuvialuit by and large decide to go to a Nunavut territory that the western territory would still have to have a small delta area at the mouth of the Mackenzie Delta. That is again just a personal opinion but I really believe that will be a serious consideration in the final analysis which could mean that part of what the Inuvialuit hold dear would of necessity maybe become a western

territory, and for that reason the Inuvialuit might decide that it is better for them totally to be committed to a western territory. But all of that is speculation. My own hope is simply that I would like to see those areas become part of the territory but there is no thought of compulsion at all. It has to be largely the will of the people.

MR. SIBBESTON: Thank you. Mr. Steen. Any thoughts? You have a smile on your face so.... Is there any further discussion. Mr. Reid.

MR. REID: Just one point. If the territories has to split then for the sake of our geography please split it along one of the meridian lines, it would be a lot easier to have students draw borders like that then follow a tree line.

MR. SIBBESTON: Mr. Watsyk.

MR. WATSYK: Thank you Mr. Chairman. I am just wondering what the sequence of events, not a timetable but generally what order of happenings can we forsee. The group here has asked for a conference within 6 months. What will that conference sort of produce? Will it have, say, some of the constitution partly written up, from what we have already sort of agreed on? We will talk further and maybe get a rough draft with the other part to yet be developed? At what time will this say reach the electorate? Will all citizens be able to vote on with Ottawa or after Ottawa has approved? So generally, I am interested in seeing, well okay, we have plugged into this conference, where does this fit in with what you people forsee as activity in this general field?

MR. SIBBESTON: Who wants to answer this, to gaze into the future and tell us how things are going to happen? I can perhaps,

Mr. Watsyk, tell you how I see things evolving. This conference has been able to come to some basic understandings or agreements and I believe that future conferences will add to these agreements or refine the agreements that we have come to today. As I see it as respect to the agreements obviously they are fairly general in nature so some work will have to be done to further refine or provide specifics to these agreements. A lot of the people here representing municipalities and organizations have stated their positions and in some respects they have moved from positions stated some months ago at the January conference. The Dene nation was pressed in a sense to indicate the extent to which they were prepared to compromise and Mr. Erasmus indicated to me he was not in a position to do to state specifically the Dene nation's position but that things were negotiable so there is an onus on the Dene Nation and native organizations to for them to go back to their membership to try to see how far they can compromise recognizing that in a sense other people,other organizations have compromised to a certain extent so there is I see,this kind of work happening in the next few months and so by the next conference the general agreements that we have that have been agreed to today could be further refined and the agreements that is attained at the next conference could be much more specific. So every conference will supposedly bring us closer and closer to an agreement and specific agreements on future constitutional for ourselves. I suppose some work could be done by somebody be it our committee or the legislative assembly here. Somebody ought to begin drafting in a very general way a draft constitution that will form the basis of constitution for us here in the north so while this process is going on Mr. Watsyk I must say that there is another process under way and this is the constitutional alliance. That has been formed and they have

representatives from everybody in the north. And their role of course as I see it they are the highest or the most important body in respect of constitutional negotiations in the north here. They supercede the Legislative Assembly, they supercede, they are above all the organizations that are set up in the north and their role is to get input from all the various groups and deal with the Federal government directly. I suppose there will be some activity here but eventually conferences such as this are very important to get and form a northern consensus. I guess that is as far as I can explain, and I do not know if other members of the committee can add to or provide more information as to how they see things happening in the future. Mrs. Sorensen.

MRS. SORENSEN: Mr. Chairman, oneof my very great concerns is that we still have not had a response from the Federal government with respect to whether we can or cannot divide the territory, and I am personally very hesitant to go much further in raising the expectations of the people both of the western and of the eastern arctic before we have got an answer from the Federal government; and I am wondering if we are certainly aware that Mr. Munro is coming to Yellowknife and will be meeting with caucus, and I am wondering whether you plan to bring up the subject of the division of the NWT, and I am also wondering whether Mr. Erasmus has had any discussion with the Federal government when he was in Ottawa recently with respect to the division and whether he is prepared to carry on with this process even without a response from the federal government, knowing that it is raising the expectations of the people?

MR. ERASMUS: I guess to a certain extent we share Lynda's concern. The Federal government has not come public yet with their formal intentions on the question of division. At one of the

meetings of the alliance the one that happened after the plebicite we made a decision at that time that we would meet with as many members of cabinet and possibly the Prime Minister himself as soon as possible. We requested a meeting through the Minister of Local government constitutional development for the NWT. The request was followed up by Dennis Patterson and unless there has been some communication lately, apparently not,the federal government still has not responded to even a formal meeting. The Minister of Indian Affairs responded and said he was prepared to have a meeting at any time but it was the opinion of the alliance that we really needed more cabinet ministers than the Minister of Indian affairs by himself to deal with this issue. I think it is our intention to keep pressing for this major meeting so we can have the federal government deal with this question. The Dene nation and the Metis association will probably be jointly meeting with Munro on Monday and we will be pressuring for this meeting to take place and we will be once again pressuring the government that we need an early response. As to whether or not we should be continuing on with this process in the meantime it seems to me that the federal government cannot put this on the shelf indefinitely. We are talking about another conference in 6 months surely by then we will have some clear indication from the federal government whether or not they are taking the proposal to divide the territories seriously and whether or not it is something that can happen quickly or if the time frame is over a certain period of time which will take some time to work out but it seems to me they cannot postpone a public formal response to this question indefinitely. I would not want to pursue this process of deciding what kind of government we are going to have in the west indefinitely without hearing the cases from the federal government. We need them in the

process to even before we have solidified totally our position so that we have a dynamic kind of evolution of what we want in the way of government in the west. and we have the ability to respond with some flexibility to suggestions from the federal government also and if we had totally developed a position in the west and we were so firm on it that there was no room for no negotiation with the federal government then we would probably find that it was very difficult to arrive at decisions. We could not negotiate and so the process of having conferences every 4 or 5 months to consult with all of the residents of the western arctic and possibly also to committee meetings occasionally and take our time to develop a proper position I think is the proper way to proceed. but without having sessions with the federal government in between those occasions so that we can get the response from the federal government all we are doing is we are developing a northern position, and so, as I said I think the whole alliance shares the concern of Mrs. Sorensen and we are going to continue to press that the federal government does respond and gets involved in the process.

MR. SIBBESTON: Mr. Braden indicated he wanted to speak.

MR. BRADEN: Thank you Mr. Chairman. I think it is safe to say that the reason we have no answers is because Munro has not received any answers from his cabinet collegues. He has however indicated that the constitutional paper which obviously has as one of its items to be divided has received some measure of discussion to date by the federal planning and priorities cabinet committee and I understand it was lively and thorough. I understand that very recently that the Prime Minister has written to our Speaker on the matter of formal follow up on the plebicite and that the Prime Minister has indicated that Mr. Munro and the new Minister of Justice Mr. McGuigan are to be the two

Ministers with whom representatives of the legislative assembly meet on this particular issue. Now I would not really hold out too much for a meeting with those two if it is in the near future. His cabinet discussion paper has not yet cleared cabinet so that is a bit of an update on what has taken place and what is proposed for the future But I think that the people in the NWT by having these types of meetings and to get together in a forum where we do attempt to define broad principles upon which we can attempt some agreement on are extremely important,and it is really unfortunate that as,I think,you will all recall the last session we had the feds sent up their big guns Jack Austin was here and whatshisname Faulkner and a few others and,I think all we have this time is the representativefrom the local regional office. So it is too bad they did not have somebody here the last couple of days to see what we have been able to accomplish. I would not say to Mrs. Sorensen that the door is closed on division. I would say that by continuing on in this way it is demonstrating to the federal government that the people of the territories have made a decision in principle and are taking the next step,and in our case it is trying to work out some approach to government in the west. Similarly,they are doing it in the eastern arctic. So while Mrs. Sorensen raises some good points,I think we should nevertheless attempt to continue on. I think the Chairman and the staff here have done an excellent job in putting together a session and that we have made a lot of progress in the last day and a half. I congratulate you for that Nick.

MR. SIBBESTON: I am just wondering if delegates want to deal with the matter of getting a federal response. Obviously there are a number of people or groups or organizations or bodies attempting to get a response from the federal government on the question of

division but no, nothing has been said from Ottawa thus far and I am sure various people will continue. An idea is actually to invite Munro and McGuigan or Austin or anybody else people want to the next conference giving them enough notice with the idea we hope that maybe by the next conference these Ministers and important federal officials can come before us and we can try to squeeze out a response from them. I guess maybe the question comes up in the north as to who should the federal government be telling first as to what their plans are. Should it be the assembly, should it be the alliance, should it be to anybody else? Should it be to this conference that the federal government firstly states its thinking? I throw it open as to what you want to do about that but one idea is to invite them for the next conference 6 months down the road and hope by then that they can squeak out a response. Mr.McBryan.

MR. McBRYAN: Thank you Mr. Chairman. I think this should be reported to the assembly their position on the action that has been taken and having said that in case I do not get an opportunity to get to the floor again I think the time is now approaching, I would just like to comment to Vince Steen that yes Hay River would support you in the western arctic as you are on the natural and we are on the natural, communication route and we also have your Inukshuk down there so we would like to see you remain with us. Having said that I would like just to close with a few closing comments on my behalf of Hay River and I am much more hopeful that all northerners realize the need to work toward a common goal if the NWT is to improve. Conferences such as this has helped us all to understand the views of others and appreciate the positions and the reasons they have given. It is important that we agree on a new form of government that to the Canadian

constitution we hope to make any progress. I am pleased to return a hopeful position to Hay River and that we are much more optimistic that consensus will be possible than it was in January. In closing we of the tax base communities are very concerned that our positions tabled at this meeting be made known to the WCF for their information. Thank you Mr. Chairman.

MR. SIBBESTON: Mrs. Robinson.

MRS. ROBINSON: Mr. Sibbeston would you like a motion or shall we entertain a motion that we invite the minister to our next conference in 6 months, if so I would like to put that motion up on the floor?

MR. SIBBESTON: Okay a motion has been advanced by Mrs. Robinson that we invite can you say federal authorities responsible for constitutional development in the north and with the hope that they can provide us with a response in respect of division and future constitutions for the north, would that be fair? Okay there is a motion. Is there a seconder? Mr. McBryan seconds it. Is there any discussion on the motion? Can I ask..is there a question? All those in favour of the motion please indicate . All those against. Motion is passed unanimously. Mr. Jaque.

MR. JAQUE: Thank you Mr. Chairman. There was a comment made by Bob Stevenson on the first day of this conference that I thought was very important and that was the fact that they had, the Metis leaders, had not had a chance yet to deliberate about this conference with the Metis people in the western arctic, I think the importance of that comment, and I might add comment that I am, I feel that it is unfortunate that the Metis delegates has not had a chance to participate in more in this conference because I think they would have

been a valuable asset however the principle that Mr. Stevenson brought forward at that time, the importance of the grass roots process I think we should pay some attention to. The fact that this kind of exercise that we are going through cannot be done on a high level and imposed or just let to sit that it must, it must come from the people upwards, and I think we should after leaving this conference make an effort to do that kind of thing that was done at the Dene assembly in McPherson and Hay River and Pine Point regarding the, and preparing for the conference the getting together of the people at meetings and disseminating information on it and gathering opinions. I think that is a very significant aspect of the exercise that we are participating in. So I think that the delegates should go back to their home communities and make an effort to carry out that kind of exercise.

MR. SIBBESTON: Delegates it is just a matter that has arisen out of the last, second last motion where it was moved that another constitutional conference be held within 6 months and that a working committee be struck to achieve some of those basic principles agreed to at this conference. Would it be agreeable that the working group that had been set up after the last conference be, in fact, the committee that deals with that does the work that is here? You know there is a working committee that has been set up about 13, 14 people. Would that be agreeable? And your suggestion, motion that there be another conference in 6 months will certainly be taken seriously by the committee and taken to the assembly and asked for support and funds for that. As a last item of business we have had a couple of observers here from Coppermine and Holman and I am just wondering you have been sitting here as observers do you want to say anything or ...Okay. Thank you for coming and I am

sure you are welcome again to the next one. Does that pretty well conclude matters ladies and gentlemen?

MRS. ROBINSON: In conclusion a few brief remarks. I would like to thank you for your fine chairmanship and for the opportunity to take part in this meeting. We believe that we have provided food for thought. We maintain that bringing, that living in this NWT is a rare privilege. It is not a right of any one person or persons. With these thoughts in mind Fort Smith gives its full support to this committee and its findings at this meeting. Thank you.

MR. SIBBESTON: Thank you. Mr. MacQuarrie.

MR. MacQUARRIE: Thank you Mr. Chairman in response to the concern that Mr. Jaque raised about something being done at the top and imposed. That is precisely what the whole process is trying to avoid. The western constitutional forum had agreed that it would meet in late September to try to formulate some principles and concepts that could maybe be talked about by the people all over the territories. I am sure that some of the work that was done at this conference will help to form the basis of whatever those principles are and the next step in the forum's process was to begin a month ago to communities everywhere and say what do you people think about this if this were done so there is that intention very definitely, to try to help people at the community levels to understand what is happening and to see whether or not they approve. Just as Vice Chairman of the committee I would like to say that things are drawing to an end. I know sometimes when something like this is done people may have a tendency to bring out the scales and see who won who lost something and who gave up something and I think that is not the approach here, that if we continue in the way that we are doing, I mean it is very evident that all of us would gain in the long run.

MR. SIBBESTON: Thank you ladies and gentlemen before closing I would like to thank all of you for having come. I believe it has been worthwhile. I would to also thank the staff that have been responsible for making all the arrangements, particularly David Hamilton, StienLal and Dwight Noseworthy whose aboriginal rights groups have been responsible for putting out that green working paper. In conclusion I would just like to say that I think that we are beginning to act like real northerners. As chairman I think that other members of the committee will share my view that this conference has been one of the best meetings between native and non native people from the last few years and I am very happy about that and I am sure you all are. There has been some allusion or some reference made to the first conference in January. Some comments were made that it was not as good but I feel that it was necessary to have a first conference and to deal with one another. It wasjust I see the first conference as a situation where native leaders and non native leaders had not really gotten together for a long time. In the meantime there was the introduction of the Denendeh proposal and there were a lot of pent up feelings as it were on each side so that conference provided an opportunity for people to express their deep feelings about things like government so we have obviously advanced beyond that stage, there has been more information and discussion and this conference is one where we finally gotten down to the meat of finally dealt with things that have been concerning us,and I think as rational reasonable people northern people we are beginning to deal with them in a very nice mature way so I just think that we are beginning to act like northerners and it has been a pleasure being your chairman.

the meeting is adjourned.